

Michigan Commission on Law Enforcement Standards



Basic Training Curriculum and Training Objectives

2010

Michigan Commission On Law Enforcement Standards Basic Training Curriculum

Table of Contents - (594 Hours)

Functional Area	Functional Area Hours	
<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
Administrative Time		18
<i>Administrative Time</i>		<i>18</i>
MCOLES Testing and Administration	N/A	8
Director Testing	N/A	10
I. Investigation		115
<i>A. Introduction to Investigation</i>		<i>2</i>
1. Constitutional Law*	I-A-1	2
<i>B. Substantive Criminal Law</i>		<i>24</i>
1. Laws Regarding Crimes Against Persons*	I-B-1	6
2. Laws Regarding Crimes Against Property*	I-B-2	6
3. Laws Regarding Contraband and Regulatory Crimes*	I-B-3	4
4. Laws Regarding Public Order Crimes*	I-B-4	2
5. Laws of Evidence*	I-B-5	4
6. Juvenile Law*	I-B-6	2
<i>C. Criminal Procedure</i>		<i>31</i>
1. Laws of Admissions and Confessions*	I-C-1	4
2. Interrogation Procedures	I-C-2	3
3. Laws of Arrest*	I-C-3	4
4. Arrest Procedures	I-C-4	2
5. Laws on Search Warrants*	I-C-5	2
6. Search Warrant Procedures	I-C-6	2
7. Laws on Warrantless Searches*	I-C-7	6
8. Warrantless Search Procedures	I-C-8	6
9. Laws on Suspect Identification*	I-C-9	2
<i>D. Investigation</i>		<i>12</i>
1. On-scene Preliminary Investigation	I-D-1	3
2. Preliminary Witness Interviewing	I-D-2	4
3. Preliminary Investigation of Deaths	I-D-3	2
4. Suspect Identification Procedures	I-D-4	3
<i>E. Court Functions and Civil Law</i>		<i>4</i>
1. Court Functions and Civil Law*	I-E-1	4
<i>F. Crime Scene Process</i>		<i>20</i>
1. Crime Scene Search	I-F-1	6
2. Recording the Crime Scene	I-F-2	4
3. Collection and Preservation of Evidence	I-F-3	8
4. Processing Property	I-F-4	2

* Must be taught by an attorney admitted to the Michigan Bar

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<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
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I. Investigation (continued)		
<i>G. Special Investigations</i>		8
1. Child Abuse and Neglect Investigation	I-G-1	3
2. Sexual Assault Investigation	I-G-2	3
3. Narcotics and Dangerous Drugs	I-G-3	2
<i>H. Investigation of Domestic Violence</i>		14
1. Nature and Prevalence of Domestic Violence	I-H-1	3
2. Laws Regarding Domestic Violence*	I-H-2	3
3. Domestic Violence Response Procedures	I-H-3	8
* Must be taught by an attorney admitted to the Michigan Bar		
II. Patrol Procedures		65
<i>A. Patrol Operations</i>		10
1. Preparation for Patrol	II-A-1	1
2. Radio/Telephone Communications	II-A-2	8
3. Patrol Operation Administrative Duties	II-A-3	1
<i>B. Ethics In Policing and Interpersonal Relations</i>		25
1. Ethics in Policing	II-B-1	4
2. Laws Pertaining to Civil Rights and Human Relations	II-B-2	2
3. Cultural Awareness/Diversity	II-B-3	8
4. Interpersonal Skills	II-B-4	8
5. Civil Dispute	II-B-5	1
6. Victim Rights	II-B-6	2
<i>C. Patrol Techniques</i>		12
1. Types of Patrol	II-C-1	1
2. Patrol Area Checks	II-C-2	4
3. Responding to Crimes in Progress	II-C-3	4
4. The Response to Persons with Mental Disorders	II-C-4	3
<i>D. Report Writing</i>		12
1. Obtaining Information and Preparing Reports	II-D-1	12
<i>E. Juveniles</i>		6
1. Dealing With Juvenile Offenders	II-E-1	4
2. Dealing With the Families of Juveniles	II-E-2	2

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<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
III. Detention and Prosecution		15
<i>A. Receiving and Booking Process</i>		6
1. Searching and Fingerprinting Prisoners	III-A-1	4
2. Prisoner Care and Treatment	III-A-2	2
<i>B. Case Prosecution</i>		8
1. Warrant Preparation	III-B-1	1
2. Warrant Request and Arraignment	III-B-2	2
3. Preparation For Legal Proceedings	III-B-3	1
4. Testimony and Case Critique	III-B-4	4
<i>C. Civil Process</i>		1
1. Civil Process	III-C-1	1
IV. Police Skills		278
<i>A. First Aid</i>		37
1. Introduction to First Aid	IV-A-1	3
2. Bandaging Wounds and Controlling Bleeding	IV-A-2	3
3. Treating Fractures	IV-A-3	4
4. Administering CPR	IV-A-4	12
5. Treating Environmental First Aid Emergencies	IV-A-5	2
6. Treating Medical Emergencies	IV-A-6	3
7. Extricating and Transporting Injured Victims	IV-A-7	2
8. Practical First Aid Exercises	IV-A-8	8
<i>B. Firearms</i>		86
1. Laws and Knowledge Related to Firearms Use	IV-B-1	16
2. Firearm Skills	IV-B-2	50
3. Firearms Range Assessment	IV-B-3	8
4. Patrol Rifle	IV-B-4	12
<i>C. Police Physical Skills</i>		79
1. Mechanics of Arrest and Search	IV-C-1	8
2. Police Tactical Techniques	IV-C-2	5
3. Application of Subject Control	IV-C-3	4
4. Subject Control	IV-C-4	62
<i>D. Emergency Vehicle Operation</i>		32
1. Emergency Vehicle Operation: Legalities, Policies and Procedures	IV-D-1	8
2. Emergency Vehicle Operation Techniques	IV-D-2	24
<i>E. Fitness and Wellness</i>		44
1. Physical Fitness	IV-E-1	36
2. Health and Wellness	IV-E-2	8

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<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
V. Traffic		70
<i>A. Motor Vehicle Law</i>		<i>10</i>
1. Michigan Vehicle Code: Content and Uses	V-A-1	1
2. MVC: Words and Phrases	V-A-2	1
3. MVC Offenses: Classification, Application and Jurisdiction	V-A-3	4
4. Application of Vehicle Laws and Regulations	V-A-4	4
<i>B. Vehicle Stops</i>		<i>13</i>
1. Vehicle and Driver Licensing	V-B-1	2
2. Observation and Monitoring of Traffic	V-B-2	1
3. Auto Theft	V-B-3	2
4. Stopping Vehicles and Occupant Control	V-B-4	8
<i>C. Traffic Control and Enforcement</i>		<i>4</i>
1. Traffic Direction and Control	V-C-1	2
2. Traffic Warnings, Citations and Arrests	V-C-2	2
<i>D. Operating While Intoxicated</i>		<i>24</i>
1. Standardized Field Sobriety Testing	V-D-1	24
<i>E. Motor Vehicle Traffic Crash Investigation</i>		<i>19</i>
1. Introduction to Traffic Crash Investigation	V-E-1	2
2. Preliminary Investigation at Traffic Crashes	V-E-2	1
3. Uniform Traffic Crash Report (UD-10)	V-E-3	4
4. Locating and Identifying Traffic Crash Victims and Witnesses	V-E-4	1
5. Traffic Crash Evidence Collection: Field Sketching and Measuring	V-E-5	4
6. Traffic Crash Evidence Collection: Roadway Surface	V-E-6	4
7. Traffic Crash Evidence Collection: The Vehicle	V-E-7	1.5
8. Traffic Crash Follow-Up and Completion	V-E-8	1.5

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<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
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VI. Special Operations		33
<i>A. Emergency Preparedness/Disaster Control</i>		8
1. Emergency Preparedness	VI-A-1	6
2. Explosive Devices	VI-A-2	2
<i>B. Civil Disorders</i>		8
1. Civil Disorder Procedures	VI-B-1	4
2. Techniques for Control of Civil Disorders	VI-B-2	4
<i>C. Tactical Operations</i>		7
1. Tactical Operations	VI-C-1	7
<i>D. Environmental Crimes</i>		2
1. Environmental Crimes	VI-D-1	2
<i>E. Terrorism Awareness</i>		8
1. Terrorism Awareness	VI-E-1	3
2. Weapons of Mass Destruction	VI-E-2	2
3. Incident Command	VI-E-3	3
	Revised	1/10

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	A. Introduction to Investigation
<u>Module Title:</u>	1. CONSTITUTIONAL LAW
<u>Hours:</u>	2

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

- I.A.1.1. Demonstrate an Understanding That Our Criminal Justice System is Built Upon Constitutional Law.
- a. Identifies and describes the United States Constitution.
 - b. Describes the relationship of the Constitution to the Declaration of Independence and the Bill of Rights.
 - c. Describes the three main provisions of the Constitution as:
 - (1) establishment of the framework of government;
 - (2) delegation and assignment of power to the government;
 - (3) restraint on the exercise of the powers of agents of government in order that individual rights can be preserved.

I.A.1.2. Locate and Describe Specific Provisions of the United States Constitution Important to Operation of Our Form of Government.

- a. Locates and describes the sections providing for:
 - (1) the judicial branch of government with its attendant powers and duties;
 - (2) the executive branch of government with its attendant powers and duties;
 - (3) the legislative branch of government with its attendant powers and duties.
- b. Describes other provisions of the Constitution including:
 - (1) ex post facto laws,
 - (2) bills of attainder,
 - (3) procedural due process,
 - (4) substantive due process,
 - (5) political participation, and
 - (6) privacy and equal protection of laws.

I.A.1.3. Demonstrate an Understanding of the Michigan Constitution and its Relationship to Both the United States Constitution and Law Enforcement in Michigan.

- a. Identifies the major provisions of the state Constitution:
 - (1) Article I, Section 11;
 - (2) Article I, Section 17.
- b. Describes the significant differences in criminal law and procedure between the Michigan and United States Constitutions.
 - (1) Article I, Section 11; (People v Nash, 418 Mich 196; 341 NW2d 439 (1983); People v Chapman, 426 Mich 245; 387 NW2d 835 (1986); People v Collins, 438 Mich 8; 475 NW2d 684 (1991); People v Bullock, 485 NW2d 866 (1992));
 - (2) Article I, Section 17, (People v Hill, 429 Mich 382; 415 NW2d 193 (1987); People v Crusoe, 433 Mich 666; 449 NW2d 641 (1989)).

Module History:

Revised 7/00

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: B. Substantive Criminal Law

Module Title: 1. LAWS REGARDING CRIMES AGAINST PERSONS

Hours: 6

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

I.B.1.1. Identify the Basic Concepts of Criminal Law

- a. Identifies the basic concepts important to Michigan criminal law as:
 - (1) felony (MCL 750.7)
 - (2) misdemeanor (MCL 750.8)
 - (3) elements of an offense:
 - (a) mens rea,
 - (b) actus rea,
 - (c) intent, and
 - (d) lesser included offenses;
 - (4) principles and accessories (CJI2d 8.6); and
 - (5) inchoate offenses:
 - (a) attempt (CJI2d 9.1);
 - (b) conspiracy (CJI2d 10.1); and
 - (c) solicitation (CJI2d 10.6).

I.B.1.2. Use the Michigan Penal Code (MCLA/MSA) to Identify Crimes Against Persons.

- a. Uses the table of contents and index to locate specific offenses.
- b. Identifies the elements of an offense.

I.B.1.3. Identify Crimes Against Persons.

- a. Compares the elements of an offense against the facts of a situation to determine if any of the following crimes has been committed.

Notes to Instructor:

The MCL citations are in parenthesis

- (1) Assault (felony) (750.82-84)
- (2) Assault (misdemeanor) (750.81-81a)
- (3) Car Jacking (750.529a)
- (4) Child Abandonment (750.135)
- (5) Child Abuse (750.136b)
- (6) Child Custody (750.138)
- (7) Child Neglect (722.622; 722.628)
- (8) Conspiracy to commit a crime (750.157a)
- (9) Contributing to delinquency of a minor (750.145)
- (10) Criminal Sexual conduct (750.520a-e)
- (11) Domestic assault (750.81b)
- (12) Ethnic Intimidation (750.147b)
- (13) Homicide (750.316-317; 750.321)
- (14) Indecent Exposure (750.335a)
- (15) Kidnapping (750.349)
- (16) Larceny from a person (750.357)
- (17) Obscene, harassing, or threatening phone call (750.540e)
- (18) Parental kidnapping (750.350a)
- (19) Robbery (750.529; 750.530)
- (20) Stalking (750.411h; 750.411i)
- (21) Other applicable crimes against persons

Module History

Revised 7/00

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: B. Substantive Criminal Law

Module Title: 2. LAWS REGARDING CRIMES AGAINST PROPERTY

Hours: 6

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.
Local ordinance instruction should be left to the hiring jurisdiction.

Module Objectives:

- I.B.2.1. Use the Michigan Penal Code (MCLA/MSA) to Identify Crimes Against Property.
- a. Uses the table of contents and index to locate specific offenses.
 - b. Identifies the elements of an offense.

I.B.2.2. Identify Crimes Against Property.

- a. Compares the elements of an offense against the facts of a situation to determine if any of the following crimes has been committed.

Notes to Instructor:

The MCL citations appear in parenthesis

- (1) Arson (750.71-77)
- (2) Auto theft (750.413-414)
- (3) Breaking and entering (750.110; 750.111)
- (4) Check law violation (e.g., forgery, NSF, etc.) (750.131-134)
- (5) Conspiracy to commit a crime (750.157a)
- (6) Counterfeit money (750.252-253)
- (7) Credit card theft or misuse (750.157p-s)
- (8) Defrauding an innkeeper (750.292)
- (9) Embezzlement (750.174)
- (10) Extortion (750.213-214)
- (11) Financial Transaction Devices (750.157n-p)
- (12) Forgery (750.248-249)
- (13) Gambling (750.301)
- (14) Home invasion (750.110a)
- (15) Malicious destruction of property (750.377a-b)
- (16) Larceny (felony) (750.356-357; 750.356a-d; 750.360; 750.362)
- (17) Larceny (misdemeanor) (750.356)
- (18) Receiving stolen property (750.535)
- (19) Retail Fraud (750.356c-d)
- (20) Trespassing (750.552)
- (21) Other applicable property crimes

Module History:

Revised 7/00

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	B. Substantive Criminal Law
<u>Module Title:</u>	3. LAWS REGARDING CONTRABAND AND REGULATORY CRIMES
<u>Hours:</u>	4

Notes to Instructor:

This module must be taught by an attorney admitted to the Michigan Bar. Local ordinance instruction should be left to the hiring jurisdiction.

Module Objectives:

- I.B.3.1. Use the Michigan Penal Code (MCLA/MSA) to Identify Contraband and Regulatory Crimes.
- a. Uses the table of contents and index to locate specific offenses.
 - b. Identifies the elements of an offense.
 - c. Identifies promulgated rules authorized by statute that control contraband and regulatory crimes.

I.B.3.2. Identify Contraband and Regulatory Crimes.

- a. Compares the elements of an offense against the facts of a situation to determine if any of the following crimes has been committed.

Notes to Instructor:

The MCL citations appear in parenthesis

- (1) Business or peddler license violation (445.371-372; 445.377);
- (2) Concealed weapon (750.227; 28.425f-g; 28.425k; 28.425o; 28.428; and 28.421 effective April 6, 2009);
- (3) Law Enforcement Officers Safety Act of 2004 (18 USC 926B & 926C);
- (4) Michigan Retired Law Enforcement Officer's Firearm Carry Act of 2008 (28.511- 28.527, effective March 31, 2009);
- (5) Controlled Substance Act (333.7401-7404);
- (6) Michigan Medical Marihuana Act of 2008 (333.26421 et. seq.);
- (7) Fireworks violation (750.243a-d);
- (8) Illegal burning (750.78);
- (9) Illegal weapon [firearm] (750.232a; 750.227a; 750.224f);
- (10) Illegal weapon [other than firearm] (750.226a; 750.224a);
- (11) Impersonating an officer or other official (750.215);
- (12) Licensing violations (750.224; 333.7303-7304; 436.1701);
- (13) Liquor law (436.1913; 436.1701; 436.1703; 436.1705; 436.1915);
- (14) Unlawful use of firearm (750.227b-d);
- (15) Unlawful possession/use of police scanners (750.508);
- (16) Weapon Free School Zones (750.237a); and
- (17) Other applicable contraband and regulatory crimes.

Instructors should note that the Michigan Retired Law Enforcement Officer's Firearm Carry Act of 2008, and the Michigan Medical Marihuana Act of 2008, have been added to the list of regulatory crimes.

Module History:

Revised	July 2000
Revised	July 2001
Revised	July 2006
Revised	Jan 2009
Revised	Feb 2009

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	B. Substantive Criminal Law
<u>Module Title:</u>	4. LAWS REGARDING PUBLIC ORDER CRIMES
<u>Hours:</u>	2

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar. Local ordinance instruction should be left to the hiring jurisdiction.

Module Objectives:

- I.B.4.1. Use the Michigan Penal Code (MCLA/MSA) to Identify Public Order Crimes.
- a. Uses the table of contents and index to locate specific offenses.
 - b. Identifies the elements of an offense.

I.B.4.2. Identify Public Order Crimes.

- a. Compares the elements of an offense against the facts of a situation to determine if any of the following crimes has been committed.

Note to Instructor:

The MCL citations appear in parenthesis

- (1) Adulterating and poisoning food (750.397a)
- (2) Bomb threats (750.411a)
- (3) Crimes against animals (750.49-50b)
- (4) Disorderly persons (including drunk offenses) (750.167; 750.168)
- (5) Escaping from prison or jail (764.23; 750.193-197)
- (6) False police reports (750.411a; 750.509)
- (7) Littering (324.8901-8904)
- (8) Obstructing Justice (750.479)
- (9) Parole or probation violations (771.1)
- (10) Peace Bonds (772.1)
- (11) Prostitution (750.448-449a)
- (12) Recruiting a minor to commit a crime (750.145a)
- (13) Resisting arrest (750.479)
- (14) Riots (752.541-544; 750.523)
- (15) Taking a weapon from a police officer (750.479b)
- (16) Other applicable public order crimes

Module History

Revised 7/00

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	B. Substantive Criminal Law
<u>Module Title:</u>	5. LAWS OF EVIDENCE
<u>Hours:</u>	4

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar. Criminal investigative procedures are taught elsewhere in the curriculum.

Instructors are reminded to present the Michigan Rules of Evidence (I.B.5.3) in a practical manner, as informational awareness, and at a law enforcement officer's level of understanding.

Module Objectives:

- I.B.5.1. Demonstrate an Understanding of the Integral Relationship between Investigative Procedures and Admissible Evidence in Court.
- a. Indicates that the summary goal in investigation and physical evidence collection is an affirmative final determination in a court of competent jurisdiction.
 - b. Indicates that the final determination is dependent on the evidence collected and its presentation in a legally sufficient manner.
 - c. Indicates that the final determination is dependent on the ability to reconstruct a prior incident or crime.

I.B.5.2. Collect Evidence in Daily Investigative Activities in Conformance With the Laws of Evidence as Defined by Federal and State Courts.

- a. Demonstrates a working knowledge of the following concepts relevant to evidence including:
 - (1) evidence;
 - (2) presumption of innocence;
 - (3) "beyond a reasonable doubt," the standard of proof in a criminal prosecution;
 - (4) chain of custody;
 - (5) the "exclusionary rule;"
 - (6) the good faith exception to the exclusionary rule (United States v. Leon, 468 US 897 (1984); Massachusetts v. Sheppard, 468 US 981 (1984); People v. Goldston, 470 Mich 523 (2004); and
 - (7) the "fruit of the poisonous tree" doctrine.
- b. Demonstrates a working knowledge of terms important to evidence including:
 - (1) corpus delicti, and
 - (2) res gestae.

I.B.5.3. Conduct Investigations From the Initial Complaint to Presentation of Evidence in the Courtroom in Conformance With the Michigan Rules of Evidence.

Note to Instructor:

The MRE citations appear in parenthesis.

- a. Demonstrates a working knowledge of relevant concepts and terms specified in the Michigan Rules of Evidence, including:
 - (1) The weight and credibility of evidence (MRE 104);
 - (2) Judicial notice (MRE 201-202);
 - (3) Presumptions at law in Criminal Cases (MRE 302);
 - (4) Relevant evidence (MRE 401);
 - (5) The concept of "prejudicial effect versus probative value" (MRE 403);
 - (6) Character evidence and reputation evidence (MRE 404);
 - (7) Evidence of habit (MRE 406);
 - (8) The concept of privilege (MRE 501);
 - (9) Rules on witnesses and competency (MRE 601);
 - (10) The need to testify under oath or affirmation (MRE 603);
 - (11) Impeachment (MRE 609);
 - (12) The importance of refreshing memory (MRE 612);
 - (13) Opinion evidence (MRE 701-703);
 - (14) Hearsay and the hearsay rule and its exceptions (MRE 801-804); and
 - (15) The best evidence rule (MRE 1002).

Module History

Revised	7/00
Revised	7/04

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	B. Substantive Criminal Law
<u>Module Title:</u>	6. JUVENILE LAW
<u>Hours:</u>	2

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

I.B.6.1. Demonstrate an Understanding of Juvenile Law as it Relates to Law Enforcement.

- a. Describes the differences between:
 - (1) a criminal act and an offense committed by a juvenile;
 - (2) a delinquent act and a status offense;
 - (3) the adult process of trial and the juvenile process of adjudication;
 - (4) a warrant and a pick-up order;
 - (5) a petition request and a warrant request;
 - (6) sentencing and disposition;
 - (7) arrest/apprehension and taking into custody.
- b. Identifies "status offenses", including:
 - (1) running away,
 - (2) truancy,
 - (3) incorrigibility,
 - (4) curfew violations, and
 - (5) alcohol violations.
- c. Describes the differences between adults and juveniles for:
 - (1) arraignment and preliminary hearing;
 - (2) bond provisions;
 - (3) fingerprinting;
 - (4) suspect identification;

I.B.6.1. Demonstrate and Understanding of Juvenile Law as it Relates to Law Enforcement. (continued)

- (5) record keeping; and
- (6) interview/interrogation (People v. Abraham, 234 Mich.App. 640 (1998)).

I.B.6.2. Demonstrate an Understanding of the Special Provisions in the Statutes and Court Rules for Juvenile Offenses.

- a. Describes the special provisions for juveniles of Public Act 288 of 1939, MCL 712A.1 et seq.
- b. Recognizes that the family division of circuit court was assigned jurisdiction over juvenile proceedings (MCL 600.1001 and MCL 600.1021 (1)(e)).
- c. Describes the required actions of a police officer as provided by the Juvenile Court Rules and Juvenile Code for the handling of juvenile offenders relating to:
 - (1) apprehension,
 - (2) detention,
 - (3) notification,
 - (4) interviewing,
 - (5) photographing,
 - (6) fingerprinting,
 - (7) petition,
 - (8) custody, and
 - (9) suspect identification process.
- c. Describes the “Six Hour Rule” as allowing the juvenile to be kept in a locked setting for no more than six hours while being processed, e.g., fingerprinting, photos, etc. (28 CFR 31.303(e)(2)).

Module History

Revised 1/01

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	C. Criminal Procedure
<u>Module Title:</u>	1. LAWS OF ADMISSIONS AND CONFESSIONS
<u>Hours:</u>	4

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

- I.C.1.1. Collect Admissions and Confessions as Evidence, in Accordance With Federal and State Laws Regarding Admissions and Confessions.
- a. Demonstrates a working knowledge of concepts and terms relevant to admission and confessions including:
 - (1) confession;
 - (2) admission;
 - (3) "inherently coercive environment;"
 - (4) custody;
 - (5) interrogation (Brewer v Williams, 430 US 387, 97 S.Ct. 1232 (1977); Rhode Island v Innis, 446 US 291 (1980)); and
 - (6) the "delay in arraignment" rule (People v Hamilton, 359 Mich 410 (1960); People v Mallory, 421 Mich 229 (1984);
 - (7) privileged communications.

I.C.1.1. Collect Admissions and Confessions as Evidence, in Accordance With Federal and State Laws Regarding Admissions and Confessions. (continued)

- b. Demonstrates a working knowledge of issues relevant to obtaining legal admissions and confessions for courtroom evidence including:
 - (1) "voluntariness" as an issue to be decided based upon the totality of the circumstances;
 - (2) the implementation of constitutional aspects of confessions as found in Brown v Mississippi, 297 US 278 (1936) and Miranda v Arizona, 384 US 436 (1966);
 - (3) Fifth and Sixth Amendment considerations relevant to confessions; (People v Crusoe, 433 Mich 666; 449 NW2d 641 (1989); Mich v Mosley, 423 US 96 (1975); Mich v Jackson, 475 US 625 (1986); Arizona v Edwards, 108 SCt 2093 (1988)).
 - (4) Rules to determine when Miranda warnings need be given (People v Hill, 429 Mich 382; 415 NW2d 193 (1987)), (Stansbury v California, 114 S.Ct. 1526(1993)).
 - (5) the "fruit of the poisonous tree" doctrine and its implications for confessions;
 - (6) the exclusionary rule and its implication for confessions;
 - (7) Inevitable Discovery Rule (Nix v Williams, 104 SCt 2501 (1984)); and
 - (8) Public Safety Exception (New York v Quarles, 104 SCt 2626 (1984)).

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	C. Criminal Procedure
<u>Module Title:</u>	2. INTERROGATION PROCEDURES
<u>Hours:</u>	3

Module Objectives:

I.C.2.1. Prepare For an Interrogation of a Suspect.

- a. Advises suspect of Miranda warnings, if under arrest. (People v Hill 429 Mich 382; 415 NW2d 193 (1987)).
- b. Takes suspect to a location unfamiliar to him/her for the interrogation.
- c. Determines the proper method of interrogation (e.g., based on educational, social, criminal background, and personality characteristics of suspect).

I.C.2.2. Advise Persons of Their Constitutional Rights.

- a. Determines the necessity for advising person of rights by considering:
 - (1) whether the situation is custodial;
 - (2) whether the suspect will be questioned.
- b. Advises person of constitutional rights by:
 - (1) reading rights to person,
 - (2) asking person if he/she understands rights, and
 - (3) explaining rights to person, if necessary.
- c. Asks suspect if he/she wants to waive his/her rights, if further questioning is required.
- d. Evaluates whether there is the need to re-advise the arrestee of the Miranda Warnings, if a significant break occurs during questioning.

I.C.2.3. Instruct a Suspect on the Process For Obtaining an Attorney.

- a. Explains to suspect his/her right to obtain an attorney by explaining that:
 - (1) the suspect has the right to the presence of an attorney,
 - (2) the suspect has the right to have an attorney appointed if he/she cannot afford one, and
 - (3) the officer cannot assist in selecting an attorney.

I.C.2.4. Explain the Nature of a Complaint to a Suspect.

- a. Obtains information about incident by reading report or talking to complainant.
- b. Explains complaint to offender, answering any appropriate questions.

I.C.2.5. Conduct Interview of a Suspect.

- a. Establish rapport with suspect.
- b. Listen to suspect's complete statement without interrupting.
- c. Take notes and clarify details.
- d. Evaluate body language and paralanguage.
- e. Process information to utilize in the interrogation approach and/or theme.

I.C.2.6. Conduct Interrogation of a Suspect.

- a. Conducts interrogation of suspect using appropriate interrogation techniques.
- b. Controls dialogue and challenges denials.
- c. Obtains admission and/or confession when appropriate.
- d. Records exact statements of suspect.

I.C.2.7. Record Statements of Suspects.

- a. Obtains written waiver of constitutional rights from individual making the confession/admission, if possible.
- b. Obtains written confession/admission of events that occurred, asking suspect to be concise and include names, dates, times, places, etc., if possible.
- c. Witnesses recording of confession/admission.
- d. Handles the recorded confession/admission as evidence.
- e. Writes report concerning the confession/admission given by suspect, using exact verbiage of the individual when possible.

Module History

Revised October 2006

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: C. Criminal Procedure

Module Title: 3. LAWS OF ARREST

Hours: 4

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

I.C.3.1. Arrest Persons in a Lawful Manner.

- a. Demonstrates a working knowledge of the terms and issues involved in making lawful arrests, including:
 - (1) an arrest and its elements as defined by People v Gonzales, 356 Mich 247 (1959);
 - (2) a felony and a misdemeanor as defined in the Code of Criminal Procedure;
 - (3) "probable cause;"
 - (4) an officer's authority to arrest with an arrest warrant;
 - (5) the circumstances in which an officer may arrest without a warrant;
 - (6) the circumstances in which an officer may accept interim bond (MCL 755.581);
 - (7) arrest aids which, when used, may be considered to be deadly force (Attorney General Opinion 5068 (1976));
 - (8) when deadly force may be used (Tennessee v Garner, 105 S. Ct. 1694 (1985));
 - (9) the standards for non-deadly force (Graham v Connor, 109 S. Ct. 1865 (1989));
 - (10) the law regarding body cavity searches;
 - (11) the rights of arrested persons; and
 - (12) the possible criminal and civil consequences of an unlawful arrest.

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: C. Criminal Procedure

Module Title: 4. ARREST PROCEDURES

Hours: 2

Notes to Instructor:

Module Objectives:

I.C.4.1. Warn Offenders in Lieu of Arrest or Citation.

- a. Explains to the offender:
 - (1) the nature of the offense he/she committed,
 - (2) possible penalties for the offense, and
 - (3) that he/she is being warned rather than arrested or cited for the offense.
- b. Releases the warned offender.

I.C.4.2. Plan Strategy For Making Arrests.

- a. Evaluates circumstances of situation to determine strategy for arrest by considering:
 - (1) suspect's past behavior,
 - (2) type of charge,
 - (3) location,
 - (4) whether or not suspect is alone,
 - (5) possible weapons, and
 - (6) possible escape routes.
 - (7) seeks assistance from other police officers.
- b. Coordinates arrest actions by communicating with assisting officers about details of situation (e.g., how to approach building, who will make arrest).

I.C.4.2. Plan Strategy For Making Arrests. (continued)

- c. Requests assistance from bystander in order to effect an arrest.
 - (1) determines if assistance from citizen is needed (e.g., there is an immediate need for radio or telephone communication, physical assistance is needed); and
 - (2) requests bystander assistance by identifying himself/herself as a police officer and requesting bystanders to provide appropriate assistance.

I.C.4.3. Arrest Persons With a Warrant.

- a. Prepares to execute arrest by verifying:
 - (1) the existence of warrant (e.g., has possession of warrant or receives knowledge that warrant exists), and
 - (2) that the identity of the person matches the person on the warrant.
- b. Verifies that warrant held by another agency is still in effect.
- c. Serves the warrant on the named person.
- d. Effects the arrest.

I.C.4.4. Arrest Persons Without a Warrant.

- a. Establishes probable cause that the crime was committed and the suspect committed the crime, as indicated by:
 - (1) physical evidence;
 - (2) witness or victim statements; and/or
 - (3) personal observations.
 - (4) arrests of persons in a residence (People v Oliver, 417 Mich 366 (1983); People v Parker, 417 Mich 556 (1983); Payton v New York, 445 US 573 (1980); Minnesota v Olson, 110 SCt 1684 (1990)).

I.C.4.4. Arrest Persons Without a Warrant. (continued)

- b. Determines whether it is appropriate to arrest without a warrant by considering:
 - (1) type of crime (i.e., misdemeanor, felony or domestic assault);
 - (2) jurisdictional authority; and
 - (3) location/privacy expectations of third parties (e.g., need for a search warrant when suspect is in a third party's home);

I.C.4.5. Take Into Custody a Person Detained by Citizen.

- a. Determines whether or not detention by the citizen is legal (e.g., a felony has been committed and there is a reason to believe suspect committed the felony).
- b. Identifies complainant, suspect, and witnesses using driver's license and/or other reliable identification documents.
- c. Take suspect into custody for formal booking.

I.C.4.6. Transport Prisoners.

- a. Determines age of prisoner to ensure that juveniles and adults are not transported in the same vehicle.
- b. Determines extent of restraint necessary by considering the type of crime and the prisoner's behavior and history.
- c. Advises dispatcher by radio of the following:
 - (1) nature of the arrest;
 - (2) identification of the prisoner;
 - (3) destination and starting mileage; and
 - (4) dispatcher responds with time.
- d. Handcuffs and searches prisoner(s) before placement in patrol vehicles.

I.C.4.6. Transport Prisoners. (continued)

- e. Seats prisoner(s) and officer(s) in the patrol vehicle according to the following scheme:
 - (1) protective barrier/one or two officer(s):
 - (a) prisoner(s) is placed in rear seat;
 - (2) no protective barrier/one officer:
 - (a) one prisoner is placed in right front seat and secured with seat belt; or
 - (b) two prisoners are transported individually as in (2)(a);
 - (3) no protective barrier/two officers:
 - (a) one prisoner is placed in right rear seat and the guard officer sits in the left rear seat, with gun shifted to the left side or given into custody of the driving officer.
 - (b) two prisoners are placed in the right rear seat with the guard officer sitting in the left rear seat and taking precautions as in (3)(a).
- f. Takes prisoner(s) directly to proper detention facility.
- g. Advises dispatcher of ending mileage and arrival at destination; dispatcher responds with time.
- h. Removes prisoner from police vehicle in a safe manner (e.g., uses extent of restraint necessary based on type of crime and prisoner's behavior).
- I. Searches patrol vehicle for contraband after removing prisoner.
- j. Documents any injuries that the prisoner may have incurred during arrest or transportation.

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: C. Criminal Procedure

Module Title: 5. LAWS ON SEARCH WARRANTS

Hours: 2

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

I.C.5.1. Conduct Searches With a Warrant in a Lawful Manner.

- a. Demonstrates a working knowledge of the legal issues pertaining to searches with a warrant, including:
 - (1) the showing of probable cause (MCL 780.653); (People v Sloan, 450 Mich 160 (1995));
 - (2) the search warrant rule as articulated by the U.S. Supreme Court in Katz v United States, 389 US 347 (1967);
 - (3) the two policy reasons for the courts' preference for a warrant as articulated in Coolidge v New Hampshire, 483 US 443 (1971);
 - (4) the presumption of validity to the search warrant procedure;
 - (5) the penalties for exceeding one's authority in procuring a search warrant (MCL 780.657-658);
 - (6) the necessity for a search warrant when entering a third party's house to serve an arrest warrant; and
 - (7) the "plain view" doctrine when executing a search warrant.

I.C.5.1. Conduct Searches With a Warrant in a Lawful Manner. (continued)

- b. Demonstrates a working knowledge of the legal requirements to obtaining, executing and returning a search warrant, including:
 - (1) the affidavit and its contents (MCL 780.651, MCL 780.653);
 - (2) the methodology used in taking an oath (MCL 600.1432);
 - (3) those authorized to act as a magistrate for purposes of issuing a search warrant;
 - (4) those items for which a search warrant can issue (MCL 780.652);
 - (5) the concept of probable cause based upon "the four corners of the document" (MCL 780.653);
 - (6) the specificity necessary in a search warrant (MCL 780.654);
 - (7) the concept of "staleness" in search warrant affidavits;
 - (8) the court's terminology "common sense reading;"
 - (9) the authority to break into or out of a building in serving a search warrant (MCL 780.656);
 - (10) the authority to seize property when executing a search warrant (MCL 780.655);
 - (11) the authority to control people in the area when executing a search warrant (Michigan v Summers, 452 US 692 (1981));
 - (12) the tabulation and other procedures necessary when executing a search warrant (MCL 780.655);
 - (13) the necessity for filing a return to the court (MCJ 780.655); and
 - (14) the procedures and need for a search warrant when seizing conversation as part of participant monitoring (People v Collins 438 Mich 8; 475 N.W. 2nd 684 (1991)).

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: C. Criminal Procedures

Module Title: 6. SEARCH WARRANT PROCEDURES

Hours: 2

Note to Instructor:

Instructors should review MCL 780.656, People v Williams 198 Mich App 537 (1993) and People v Jackson 180 Mich App 339 (1989).

Module Objectives:

I.C.6.1. Obtain a Search Warrant.

- a. Provides documentation to obtain search warrant by using facts from notes, reports, recordings, interviews, informants, and photographs to indicate:
 - (1) probable cause for obtaining warrant,
 - (2) the location where search is to be conducted, and
 - (3) description of items to be seized.
- b. Contacts prosecutor as dictated by local policy and practice.
- c. Writes an affidavit for search warrant for review by the magistrate.
- d. Reviews accuracy and completeness of affidavit before presenting it to judge or magistrate for approval.
- e. Raises right hand and swears to the accuracy of the affidavit and signs the affidavit in the presence of a judge or magistrate.

I.C.6.2. Exercise Safety Precautions When Searching.

- a. Evaluates degree to which the officer will be able to control suspects by considering:
 - (1) number of suspects,
 - (2) number of officers, and
 - (3) setting of the scene to be searched.
- b. Takes appropriate action to ensure officer safety (e.g., requests assistance or delays the search).

I.C.6.3. Search Premises or Property With a Warrant.

- a. Plans strategy to execute search warrant by:
 - (1) determining how many officers are needed,
 - (2) determines roles if forced entry necessary,
 - (3) identifies plan to make searched area safe,
 - (4) designating search responsibilities, and
 - (5) identifying floor plan of building.
- b. Notifies persons at premises of intent and authority to search with a warrant.
- c. Forces entry to premises if denied entry after notice of warrant is given.
- d. Searches premises according to the predetermined strategy (e.g., searches for articles specified in warrant where articles could be hidden).
- e. Serves a copy of the warrant by:
 - (1) giving it to the person in control of premises, or
 - (2) leaving a copy of the warrant in a conspicuous place if premises are unoccupied.
- f. Seizes any contraband, evidence, weapons, or fruits of a crime found in the search.
- g. Documents evidence seized in search according to department policy and court requirements.
- h. Leave a copy of tabulation of items seized at the place searched or with the person in charge of the place searched.
- i. Delivers copy of return to court with tabulation of items seized.

I.C.6.4. Search Persons With a Warrant.

- a. Serves warrant on a person who is to be searched for evidence (e.g., blood, semen, hair, trace evidence, sample of handwriting, etc.).
- b. Transports person to be searched to medical or technical expert who will collect the evidence.
- c. Collects samples specified in warrant in appropriate manner (e.g., supervises physician who is collecting blood sample, collects samples such as handwriting, etc.).
- d. Tabulates all evidence seized in search.
- e. Gives tabulation to person from whom evidence was taken.
- f. Delivers copies of return to court with the tabulation of items seized.

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: C. Criminal Procedure

Module Title: 7. LAWS ON WARRANTLESS SEARCHES

Hours: 6

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

- I.C.7.1. Conduct Searches Without a Warrant Only Under Court Recognized Exceptions to the Fourth Amendment Warrant Requirement.
- a. Demonstrates a working knowledge of the underlying issues surrounding warrantless searches including:
 - (1) the majority interpretation of the Fourth Amendment of the U.S. Supreme Court as found in Katz v United States, 389 US 347 (1967);
 - (2) the minority interpretation of the Fourth Amendment of the U.S. Supreme Court as found in the dissenting opinion of Robbins v California, 453 US 420, (1981);
 - (3) the fundamental differences between the Fourth Amendment and Article 1, Section 11 of the Michigan Constitution (as articulated in Michigan v Long, 463 US 1032, 103 SCt 3469 (1983), footnote 10); also see People v Nash, 418 Mich 196; 341 NW2d 439 (1983); People v Chapman, 425 Mich 245; 387 NW2d 835 (1986); People v Collins, 438 Mich 8; 475 Nw2d 684 (1991).
 - (4) the reasonable expectation of privacy;
 - (5) the concept of governmental conduct; and
 - (6) the difference between the terms open view and plain view.

I.C.7.1. Conduct Searches Without a Warrant Only Under Court Recognized Exceptions to the Fourth Amendment Warrant Requirement. (continued)

- b. Demonstrates a working knowledge of each of the exceptions to warrant requirement and the elements of each:
- (1) the search incident to an arrest exception (New York v Belton, 453 US 454 (1981) as distinguished by Arizona v Gant, Slip Op No. 07-542 (2008); People v Chapman, 425 Mich 245 (1986); People v Bullock, 485 440 Mich 15 (1992); People v Alafara, 140 Mich App 551 (1985));
 - (2) the probable cause plus exigent circumstances search exception (United States v Ross, 456 US 798, 102 SCt 2157 (1982); US v Sharp, 470 US 675, 105 SCt 1568 (1985); California v Carney, 471 US 386 (1986), 105 SCt 2066 (1986); Meyers v Florida, 466 US 380, 104 SCt 1852 (1984); and see People v Bullock above);
 - (3) the plain view search exception (Coolidge v New Hampshire, 403 US 443 (1970); Texas v Brown, 460 US 730, 103 SCt 1535 (1983); Horton v California, 110 SCt 2301 (1990));
 - (4) the consent search exception (Schneckloth v Bustamonte, 412 US 218 (1973); People v Chism, 392 Mich 104 (1973); Illinois v Rodriguez, 110 SCt 2783 (1990); People v Grady, 484 NW2d 417 (1992));
 - (5) the stop and frisk exception, (Terry v Ohio, 392 US 1 (1968); California v Hodari, 111 SCt 1547 (1991); People v Mamon, 435 Mich 1; 457 NW2d 623 (1990); Michigan v Long, 463 US 1032, 103 SCt 3469 (1983); People v Parham, 147 Mich App 358 (1986); People v VanDiver, 140 Mich App 484 (1985));
 - (6) the inventory search exception (South Dakota v Opperman, 428 US 364 (1975); People v Toohey, 438 Mich 265; 475 NW2d 16 (1991));
 - (7) the emergency exception (People v Chapman, 72 Mich App 547 (1977); People v Washington, 77 Mich App 598 (1977); City of Troy v Ohlinger, 438 Mich 477; 475 NW2d 54 (1991));
 - (8) the hot pursuit search exception (United States v Santana, 427 US 38 (1976); People v Joyner, 93 Mich App 554 (1979); People v Reinhardt, 141 Mich App 173 (1985));
 - (9) the administrative search exception (Camera v Municipal Court, 387 US 523 (1966); Illinois v Lafayette, 462 US 640, 103 SCt 2605 (1983); Tallman v DNR, 421 Mich 585 (1985); People v Jones, 180 Mich App 625 401 NW2d 844 (1989)); and
 - (10) the border search exception (Almeida v Sanchez, 413 US 266 (1973).

I.C.7.1. Conduct Searches Without a Warrant Only Under Court Recognized Exceptions to the Fourth Amendment Warrant Requirement. (continued)

- c. Demonstrates a working knowledge of the consequence to conducting an unlawful warrantless search, including:
 - (1) the possible criminal and civil sanctions that may result; and
 - (2) the exclusionary rule implications for the evidence.

Module History:

Revised 7/04

Revised 4/09

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: C. Criminal Procedure

Module Title: 8. WARRANTLESS SEARCH PROCEDURES

Hours: 6

Notes to Instructor:

Module Objectives:

I.C.8.1. Search Premises, Property or Passenger Compartment of a Vehicle Incident to an Arrest.

- a. Effects or establishes the fact of a legitimate arrest before conducting the search incident to the arrest based on laws of arrest, criminal law, and case law.
- b. Restrains prisoner prior to searching incident to an arrest (e.g., handcuffs prisoner or has another officer observe and limit the prisoner's movement).
- c. Searches area within immediate reach of arrested subject when appropriate.
- d. Searches passenger compartment of a vehicle and containers therein in cases of bondable or custodial arrests (as distinguished by *Arizona v Gant*, Slip Op No. 07-542 (2008)).
- e. Seizes any contraband, fruits of a crime, or evidence found during the search that are in plain view or in cases where exigent circumstances exist.
- f. Documents all articles seized in search.

I.C.8.2. Search a Movable Vehicle with Probable Cause and Exigent Circumstances.

- a. Establishes that probable cause exists to search the vehicle for illegal articles based on probable cause that contraband, evidence or fruits of the crime are in the vehicle.
- b. Even if in police custody, recognizes that the mobility of the vehicle creates the exigency to search the vehicle.
- c. Searches the vehicle without a warrant, ensuring that occupants present no danger to officer.
- d. Seizes any contraband, fruits of a crime, weapons, or evidence found during the search.
- e. Documents all articles seized in search.

I.C.8.3. Search Buildings in Hot Pursuit Situations.

- a. Determines that there is legal authority to arrest for a crime and that the hot pursuit is legitimate (MCL 764.16; People v Reinhardt, 141 Mich App 173 (1985).
 - (1) "hot pursuit" arrests in a non-public building cannot be effected for warrantless misdemeanors;
 - (2) "hot pursuit" arrests can be effected for misdemeanors with a warrant or for felonies without a warrant.
- b. Maintains persistent pursuit of suspect using any practical means and keeping suspect in sight, if possible.
- c. Determines whether probable cause exists to believe that a felony has been committed by the fleeing suspect to justify entry into a building.
- d. Enters place of retreat of pursued suspect in cautious manner.
- e. Searches the area that is within reach of the pursued suspect.
- f. Seizes any contraband, evidence, weapons, or fruits of a crime found in the hot pursuit arrest:
 - (1) contraband, weapons, fruits of the crime, and other evidence found while effecting a "hot pursuit" arrest can be lawfully seized.

I.C.8.4. Search Premises or Property With Consent.

- a. Requests voluntary permission to search an area or item.
- b. Establishes the apparent right and ability of subject to give a legal consent to a search (e.g., individual is in control of the property/area which is to be searched and he/she gives consent voluntarily).
- c. Documents the consent to conduct the search by including it in reports, by using department waiver forms or witness statements.
- d. Conducts a consent search using appropriate techniques (e.g., searches within the perimeters consented to, searches in a systematic and thorough manner).
- e. Ensures that occupants present no danger to officers.
- f. Seizes any found contraband or evidence.
- g. Ceases the search if the consent is withdrawn.
- h. Maintains control of location if consent for search is withdrawn, but probable cause exists to justify seeking a search warrant (i.e., protects location or keeps location under surveillance).
- i. Documents all articles seized in search.

Module History:

Revised 4/09

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	C. Criminal Procedures
<u>Module Title:</u>	9. LAWS ON SUSPECT IDENTIFICATION
<u>Hours:</u>	2

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

I.C.9.1. Conduct Corporeal Lineups.

- a. Demonstrates a working knowledge of the legal issues related to conducting a corporeal lineup:
 - (1) when right to counsel attaches (U.S. v Wade, 87 S Ct 1926 (1966); Gilbert v California, 87 S Ct 1951 (1966); Kirby v Illinois, 92 S Ct 1877 (1971); People v. Hickman, 470 Mich 602 (2004));
 - (2) no violation of Fifth Amendment right against self incrimination (U.S. v Wade, 87 S Ct 1926 (1966); Stovall v Denno, 87 S Ct 1967 (1966));
 - (3) burdens with and without counsel present (People v Haisha, 111 Mich App 165 (1981); People v Young, 21 Mich App 684 (1970));
 - (4) proper composition of subjects, i.e., height, weight, etc., (Foster v California, 89 S Ct 1127 (1968); People v Barnes, 107 Mich App 386 (1981)); and
 - (5) ability to compel speech, gestures, etc., (U.S. v Dionisio, 93 S Ct 764 (1972); People v Hall, 396 Mich 650 (1976); Gilbert v California 87 S Ct 1951 (1966)).

I.C.9.2. Conduct Photo Lineups.

- a. Demonstrates a working knowledge of the legal issues related to conducting a photo lineup:
 - (1) when right to counsel attaches (U.S. v Wade, 87 S Ct 1926 (1966); Gilbert v California, 87 S Ct 1951 (1966); Kirby v Illinois, 92 S Ct 1877 (1977); People v. Hickman, 470 Mich 602 (2004); People v McNeil, 81 Mich App 368 (1978); People v Eaton, 114 Mich App 330 (1982); People v Kurylczyk, 443 Mich 289 (1993));
 - (2) when photographic displays are permissible (People v Powell, 97 Mich App 287 (1980); People v Currelley, 99 Mich App 561 (1980));
 - (3) presumptions with and without counsel present (People v Haisha, 111 Mich App 165 (1981));
 - (4) proper composition of photographs (People v Dean, 103 Mich App 1 (1981));
 - (5) retention of photographs used in photographic display (People v Wilson, 96 Mich App 792 (1980)).

I.C.9.3. Conduct a Showup (Immediate On-Scene Identification).

- a. Demonstrates a working knowledge of the legal issues related to conducting a showup:
 - (1) when right to counsel attaches (U.S. v Wade, 87 S Ct 1926 (1966); Gilbert v California, 87 S Ct 1951 (1966); Kirby v Illinois, 92 S Ct 1877 (1971); People v Purofoy, 116 Mich App 471 (1982); People v Miller, 208 Mich App 495 (1995));
 - (2) when showups are permissible (Stovall v Denno, 87 S Ct 1967 (1966); People v Starks, 107 Mich App 377 (1981); People v. Winters, 225 Mich App 718 (1997)); and
 - (3) rationale for allowing (People v Purofoy, 116 Mich App 471 (1982)).

Module History:

Revised 8/04

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	D. Investigation
<u>Module Title:</u>	1. ON-SCENE PRELIMINARY INVESTIGATION
<u>Hours:</u>	3

Module Objectives:

I.D.1.1. Determine Whether an Incident is a Criminal or Civil Matter.

- a. Reviews the facts of an incident to determine if the elements of a criminal offense are present by considering case and statutory law (e.g., Michigan Vehicle Code, Michigan Statutes Annotated).
- b. Advises complainant of local policy (e.g., prosecutor's policy, police agency policy) if the incident is a civil matter.

I.D.1.2. Handle Complaints.

- a. Compares the facts of a complaint against the elements of an offense to determine whether a violation of law has occurred.
- b. Handles the following complaint in conformance with local policy when no law has been violated:
 - (1) dead body,
 - (2) desertion or AWOL,
 - (3) drowning,
 - (4) loitering,
 - (5) missing person,
 - (6) prowling,
 - (7) recovering stolen property, and
 - (8) suicide attempt.

I.D.1.3. Advise Victims of Their Rights Under the William Van Regenmorter Crime Victims Rights Act.

- a. Advises the victim of a reported crime within 24 hours of the initial contact of the following (MCL 780.753):
 - (1) the availability of emergency and medical services, if applicable;
 - (2) the availability of victims' compensation benefits and the compensation board's address;
 - (3) the address and phone number of the prosecuting attorney; and
 - (4) the required statement regarding information on the status of the case.
- b. Advises the victim of the victim's right regarding any property taken during the course of the investigation.

I.D.1.4. Conduct a Preliminary Investigation by Protecting a Crime Scene and Locating Witnesses.

- a. Protects crime scene, if necessary, from further injury or destruction of evidence.
- b. Locates and identifies suspects, witnesses and victims.

I.D.1.5. Evaluate Information at a Preliminary Investigation to Determine Course of Action.

- a. Assesses all information to determine if an offense has occurred.
- b. Determines if there is probable cause or reasonable suspicion to continue the investigation.
- c. Takes appropriate enforcement action at the scene of a preliminary investigation.

I.D.1.6. Track a Person From a Scene.

- a. Tracks person from scene by:
 - (1) locating the prints (e.g., footprints, snowmobile tracks),
 - (2) determining the person's direction of travel,
 - (3) following the prints while preserving them for identification, and
 - (4) looking for additional evidence (e.g., an object the person may have dropped).
- b. Communicates pertinent information including:
 - (1) location of suspect's tracks (e.g., by providing a description of landmarks),
 - (2) number of suspects (e.g., based on nature of prints), and
 - (3) size and nature of footprints(e.g., size of shoe, identifying characteristics, etc.).

I.D.1.7. Search For Persons Using Proper Techniques.

- a. Describes person being sought to other officers, including information such as:
 - (1) name
 - (2) sex
 - (3) age
 - (4) height
 - (5) weight
 - (6) color of hair
 - (7) color of eyes
 - (8) any distinguishing features (e.g., marks, scars, limp)
 - (9) clothing description from head to foot
 - (10) unusual characteristics (e.g., abnormal mental condition)
 - (11) reason person is wanted (including reasons for using additional caution)
 - (12) direction of travel or area last seen
 - (13) vehicle description

I.D.1.7. Search For Persons Using Proper Techniques. (continued)

- b. Conducts search for person by:
 - (1) interviewing acquaintances, neighbors, etc.,
 - (2) checking places frequented by person,
 - (3) checking attractive nuisances, (e.g., construction sites, abandoned buildings, etc.), and
 - (4) checking public facilities (e.g., parks, bus stations, pools, etc.).

I.D.1.8. Locate Witnesses to a Crime Using Various Methods.

- a. Detains individuals in the immediate crime scene area;
- b. Photographs large crowds at a crime scene;
- c. Canvasses the crime scene area (e.g., door-to-door);
- d. Interviews police informants or initial witnesses to the crime;
- e. Appeals for witnesses through the media, etc.

I.D.1.9 Initiate an Amber Alert when appropriate.

- a. Law enforcement must confirm an abduction has taken place;
- b. The child must be at risk of serious injury or death;
- c. There must be sufficient descriptive information of child, captor; or captor's vehicle to issue an alert; and
- d. The child must be 17 years old or younger.

Note to Instructor: The Michigan State Police is the contact agency for initiating the Amber Alert in Michigan. An Amber Alert can be initiated by contacting the MSP Coordinator of the Michigan Amber Alert Plan and Michigan's Children Information Clearinghouse at (517) 241-7183.

Module History:

Revised	April, 2006
Revised	May, 2008

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	D. Investigation
<u>Module Title:</u>	2. PRELIMINARY WITNESS INTERVIEWING
<u>Hours:</u>	4

Notes to Instructor:

Develop trainee "skills practicum" scenarios to ascertain trainee understanding and practical skills application.

Develop a uniform interviewing skills inventory sheet for critique purposes.

Module Objectives:

I.D.2.1. Interview Complainants and Witnesses.

- a. Separates complainants and/or witnesses.
- b. Obtains necessary information about witnesses and/or complainants (e.g., name, date of birth, address, phone number, availability).
 - (1) determines whether the rule of privileged communication applies to the person to be interviewed.
- c. Asks questions to obtain pertinent facts using proper procedures:
 - (1) is direct,
 - (2) asks what the witness saw and heard, not what they were told, and
 - (3) asks questions without supplying answers.

I.D.2.2. Take Statements of Witnesses.

- a. Obtains written statements from witnesses, whenever possible, about events that occurred, asking them to be detailed and include names, dates, times, places, etc.
- b. Handles recorded statements from witnesses as evidence:
 - (1) notes the date, time and place;
 - (2) identifies the name of witness giving the statement;
 - (3) identifies the interviewer;
 - (4) marks and tags the statement as evidence; and
 - (5) references the witness statement in the offense report.
- c. Writes report about events that occurred based on witness statements and other information known about event.

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	D. Investigation
<u>Module Title:</u>	3. PRELIMINARY INVESTIGATION OF DEATHS
<u>Hours:</u>	2

Module Objectives:

I.D.3.1. Examine Dead Body For Evidence of Unnatural Death.

- a. Notifies medical examiner of death.
- b. Investigate death scene for evidence of unnatural death before searching the body by considering length of time the person has been dead, visual signs of violence, appearance of the body, etc.
- c. Examines dead body for wounds and injuries by inspecting the body visually and recording any unusual observations.
- d. Protects death scene.

I.D.3.2. Search Dead Bodies for Identification When Death is Determined to be Natural.

- a. Searches the body to locate identification (e.g., checks pockets, checks purse), or identifying marks (e.g., scars, tattoos, amputations, medic-alert tags), if the death was natural.
- b. Inventories valuables obtained in search.
- c. Secures personal property obtained from a dead body.

I.D.3.3. Verify the Identity of Deceased Persons.

- a. Checks for immediate identification on the body.
- b. Contacts witnesses for questioning or for viewing the body.
- c. Checks official records (e.g., fingerprints, dental records, missing person records).

I.D.3.4. Review With Medical Examiner Circumstances Relating to a Death.

- a. Briefs the medical examiner concerning the circumstances surrounding the death.
- b. Discusses physical evidence (e.g., how many gunshots, angle of weapon entry, amount of drugs taken, etc.) with medical examiner to obtain information aiding in the investigation of the death.
- c. Records pertinent information determined by the medical examiner concerning the circumstances of death (e.g., time of death, whether body was moved).
- d. Reviews medical examiner reports for information that might aid in the investigation of the death.

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	D. Investigation
<u>Module Title:</u>	4. SUSPECT IDENTIFICATION PROCEDURES
<u>Hours:</u>	3

Notes to Instructor:

Emphasize the use of LEIN and other electronic systems as criminal investigation tools.

Trainees must be made aware of the use of local agency records systems, availability of crime analysis data systems, field interview card files, etc.

Module Objectives:

I.D.4.1. Establish the Modus Operandi (M.O.) of a Suspect.

- a. Establishes modus operandi (M.O.) of a suspect by considering:
 - (1) suspect's methods,
 - (2) location, time, and type of crime,
 - (3) other cases involving similar elements, and
 - (4) prior cases involving the suspect.
- b. Records similarities found in modus operandi (M.O.) for a suspect for distribution to other officers and agencies.

I.D.4.2. Analyze and Compare Incidents For Similarity of Modus Operandi (M.O.).

- a. Evaluates all records from local files and other agencies to determine if there are similarities in modus operandi (M.O.) of incidents.
- b. Records similarities found in modus operandi (M.O.) of incidents for distribution to other officers and agencies.

I.D.4.3. Utilize Department Records to Assist in Investigation.

- a. Determines what records are necessary for investigation (e.g., fingerprints, mug shots, hot sheets, crime lab sheets, pawn sheets).
- b. Evaluates records to determine if information is pertinent (e.g., determines if information fits circumstances of incident being investigated).
- c. Compiles pertinent information from department records.

I.D.4.4. Review Crime Lab Reports to Guide an Investigation.

- a. Reads crime lab report.
- b. Evaluates information in crime lab report to determine if the results aid the investigation by:
 - (1) establishing a suspect,
 - (2) eliminating a suspect, or
 - (3) strengthening the case.
- c. Prepares supplementary report about crime lab results, if necessary.

I.D.4.5. Review Records and Pictures to Identify Suspects.

- a. Identifies types of records to be reviewed in establishing the identity of suspects (e.g., local law enforcement records, records appropriate for the type of crime, officer's daily, traffic tickets).
- b. Determines what the physical characteristics of suspects may be by searching records for persons with similar description and modus operandi (M.O.).
- c. Uses cross-reference procedures to locate name (e.g., uses registration plates to locate name).
- d. Uses fingerprint records to identify suspect if print is on file (e.g., uses information on card such as date of birth, address, scars, etc.).
- e. Evaluates all information gathered to learn the identity of a suspect.

I.D.4.6. Organize and Conduct a Corporeal Lineup.

- a. Determines when a lineup is appropriate by considering availability of witnesses and look-alikes.
- b. Locates persons who have the same general physical characteristics as the suspect being investigated.
- c. Ensures that an attorney is present during the lineup, if appropriate (refer to I.C.9.)
- d. Conducts a lineup for witnesses following appropriate procedures:
 - (1) presents entire group to one witness at a time;
 - (2) refrains from leading witnesses in identification process; and
 - (3) refrains from any type of verbal or nonverbal suggestive behavior.
- e. Records information to preserve the evidentiary value of the lineup:
 - (1) documents the identity of the persons in the lineup; and
 - (2) documents the witness statements.

I.D.4.7. Organize and Conduct Photo Lineups.

- a. Determines when a photo lineup is appropriate.
- b. Locates pictures of subjects who have the same general physical characteristics as the suspect being investigated.
- c. Presents photo lineup to witnesses following appropriate procedures:
 - (1) presents entire group of pictures to one witness at a time; and
 - (2) refrains from leading witnesses in identification process.
- d. Preserves the evidentiary value of the photo lineup:
 - (1) preserves the pictures used as evidence, and
 - (2) documents witness statements.
- e. Protects as evidence photo lineup pictures in the order of presentation.

I.D.4.8. Conduct a Show-up.

- a. Identifies possible suspects at the scene of a crime by:
 - (1) interviewing witnesses,
 - (2) reviewing evidence, or
 - (3) reviewing suspect's description.
- b. Locates the suspect by radio communications with base station or other officers or searching the surrounding area.
- c. Determines whether it is legal to conduct a show-up:
 - (1) a limited period of time has elapsed since the crime was committed;
 - (2) probable cause is absent that the suspect committed the crime; and
 - (3) to eliminate innocent victims of circumstances from suspicion.
- d. Transports the victim/witness to the suspect for viewing:
 - (1) to eliminate a potentially innocent person from being a victim of circumstances; and
 - (2) to minimize the level of governmental intrusion.

Module History

Revised July 2006

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	E. Court Functions and Civil Law
<u>Module Title:</u>	1. COURT FUNCTIONS AND CIVIL LAW
<u>Hours:</u>	4

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

- I.E.1.1. Demonstrate a Working Knowledge of Civil Law Necessary For Effective Functioning As a Law Enforcement Officer.
- a. Distinguishes between civil law and criminal law including among other differences that:
 - (1) criminal law is controlled by fundamental interests derived from the Constitution and Bill of Rights;
 - (2) civil law is the adjudication of disputes among private parties; and
 - (3) civil law is more of a truth seeking process.
 - b. Describes the following civil law terms and processes:
 - (1) discovery;
 - (2) interrogatories and their purposes;
 - (3) depositions and their purpose;
 - (4) summons (MCR 102); and
 - (5) service of process (MCR 105).

I.E.1.1. Demonstrate a Working Knowledge of Civil Law Necessary For Effective Functioning As a Law Enforcement Officer. (continued)

- c. Describes the concept of civil liability and how it affects an officer's ability to function in law enforcement including:
 - (1) an officer's potential for civil liability (MCL 691.1407);
 - (2) the consequences of a wrongdoing on the part of an officer;
 - (3) the basic theories used to sue a police officer;
 - (4) the concept of intentional tort;
 - (5) the elements of negligence;
 - (6) the civil rights actions possible under (42 USC 1983);
 - (7) the concept of vicarious liability;
 - (8) the primary source of Section 1983 actions; and
 - (9) the relationship between management functions and the police officer for purposes of civil liability.

I.E.1.2. Demonstrate a Working Knowledge of the Court System at a Level Necessary For Effective Functioning As a Law Enforcement Officer.

- a. Describes the organizational structure of both the federal and Michigan court systems and their relationships.
- b. Identifies the jurisdiction of courts within Michigan, including:
 - (1) the Circuit Court,
 - (2) the District Court, and
 - (3) the Family Division of the Circuit Court.
- c. Describes the role of the judge in:
 - (1) issuing warrants,
 - (2) legal rulings,
 - (3) fact finding, and
 - (4) presiding at trial.
- d. Describes the role of the jury as a finder of fact.
- e. Describes the role of the defense attorney as a defender of the accused.
- f. Describes the role of the District Court magistrate as defined by the revised Judicature Act.

I.E.1.3. Demonstrate a Working Knowledge of Legal Terms and Issues Related to the Court System at a Level Necessary For Effective Functioning as a Law Enforcement Officer.

- a. Defines the following terms:
 - (1) jurisdiction;
 - (2) venue;
 - (3) information and belief;
 - (4) complaint and warrant;
 - (5) indictment;
 - (6) arraignment and its purpose;
 - (7) preliminary hearing, its purpose and the elements to be shown at the hearing;
 - (8) pretrial motions;
 - (9) motion in limine;
 - (10) voir dire examination;
 - (11) challenges for cause; and
 - (12) double jeopardy.

I.E.1.4. Demonstrate a Working Knowledge of Legal Processes of the Court at a Level Necessary for Effective Functioning as a Law Enforcement Officer.

- a. Identifies and describes legal processes including:
 - (1) when jeopardy attaches at a jury trial;
 - (2) when jeopardy attaches at a non-jury trial;
 - (3) the burden of proof in a criminal proceeding;
 - (4) the burden of proof in pre-trial motions;
 - (5) who has the burden of going forward with the proofs;
 - (6) the appeal process in the federal courts;
 - (7) the appeal process in the state court system;
 - (8) the pretrial sentence investigation;
 - (9) sentencing requirements of the court;
 - (10) the necessity for bond and the court rules regarding bonds;
 - (11) pleas and the process of plea bargaining;
 - (12) a showup and how it relates to in-court identification procedures;
 - (13) a lineup and how it relates to in court identification procedures; and
 - (14) the inherent dangers of courtroom identification.

Module History:
Revised 04/07

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	F. Crime Scene Process
<u>Module Title:</u>	1. CRIME SCENE SEARCH
<u>Hours:</u>	6

Notes to Instructor:

Review search warrant requirements

Impress upon trainees the delicate nature of physical evidence and laboratory capabilities if evidence is located.

Discuss medical implications of contagious diseases for the crime scene investigator.

Module Objectives:

I.F.1.1. Plan Strategy For a Search.

- a. Defines the scope of the search by evaluating:
 - (1) the size, type, and difficulty of the area to be searched;
 - (2) the nature of the evidence to be searched for; and
 - (3) the seriousness of the crime.
- b. Evaluates the types of assistance and equipment available including:
 - (1) the number of personnel;
 - (2) the expertise of personnel (e.g., arson investigators, bomb technicians, narcotics investigators, canine team, etc.);
 - (3) the type of equipment (e.g., helicopters, four wheel drive vehicles, metal detectors, etc.).

I.F.1.1. Plan Strategy For a Search. (continued)

- c. Determines the appropriate search method based upon available personnel, equipment, and physical characteristics of the area to be searched, including:
 - (1) spiral;
 - (2) grid; or
 - (3) quadrant.
- d. Conducts a briefing describing:
 - (1) facts relating to the crime and crime scene; and
 - (2) officers' assignments for the search.

I.F.1.2. Search a Crime Scene For Physical Evidence.

- a. Searches crime scene systematically using proper technique for the type of evidence that may be present at the scene.
- b. Examines potential evidence and personal property from crime scene to determine its relationship to the crime and its evidentiary value.

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	F. Crime Scene Process
<u>Module Title:</u>	2. RECORDING THE CRIME SCENE
<u>Hours:</u>	4

Notes to Instructor:

Point out importance of familiarization with the trainees' departmental photographic equipment upon returning to agency.

Refer to evidence section regarding admissibility of photographs/sketches.

Emphasize the usefulness of photographing the crime scene as an investigative tool, not the mechanics of taking photographs.

Module Objectives:

I.F.2.1. Diagram Location of Physical Evidence at Crime Scene.

- a. Prepares rough sketch of crime scene which includes:
 - (1) dimensions of room/crime scene;
 - (2) locations of evidence and objects;
 - (3) measurements from reference points.
- b. Identifies evidence, objects, and locations in the crime scene sketch with legend, code, or index.
- c. Prepares finished diagram of crime scene (scale or non-scale) which includes measurements and identifies evidence, objects, and locations with a legend, code, or index.

I.F.2.1. Diagram Location of Physical Evidence at Crime Scene.(continued)

- d. Identifies sketch and finished diagram for evidentiary purposes, noting:
 - (1) time and date of sketch;
 - (2) complaint number;
 - (3) name of preparer and measurer.

I.F.2.2. Process a Diagram of a Crime Scene as Evidence.

- a. Handles crime scene sketch as evidence:
 - (1) notes the date, time and location;
 - (2) identifies the person making the sketch;
 - (3) marks the sketch with a personal identifier (e.g., initials); and
 - (4) tags it as evidence.
- b. Records in the police report location of physical evidence at crime scene by means of notes, measurements, and/or photographs.

I.F.2.3. Photograph Crime Scenes.

- a. Selects proper equipment and materials to photograph crime scene (e.g., flash equipment, color vs. black and white film).
- b. Photographs exact location of crime scene (e.g., house number, street signs at intersection).
- c. Photographs general exterior (perimeter) and general interior (inner perimeter) of crime scene.
- d. Photographs specifics of crime (e.g., evidence, victims, etc.).
- e. Logs the sequence of pictures taken at crime scene.

I.F.2.3. Photograph Crime Scenes. (continued)

- f. Handles film of photographs taken at crime scene as evidence:
 - (1) notes the date, time and location;
 - (2) identifies the person taking the photograph;
 - (3) tags film as evidence; and
 - (4) maintains chain of custody.
- g. Records in police report that photographs were taken.

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	F. Crime Scene Process
<u>Module Title:</u>	3. COLLECTION & PRESERVATION OF EVIDENCE
<u>Hours:</u>	8

Notes to Instructor:

MCOLCS encourages using problem-based learning techniques and simulated crime scene scenarios to deliver the Collection and Preservation of Evidence training. Using a mock crime scene with various types of evidence (e.g., impressions, latent prints, digital media, electronic devices, etc.) is recommended.

Module Objectives:

I.F.3.1. Collect Information and Evidence at Scene of a Preliminary Investigation.

- a. Gathers information leading to the identification of complainant, suspect(s), witnesses, and any other related investigative facts (e.g., who, what, why, where, when, how).
- b. Interviews complainant and/or witnesses to obtain additional information (e.g., suspect's name, nature of the crime, etc.).
- c. Collects and records any evidence related to the crime.

I.F.3.2. Collect Evidence and Personal Property From a Crime Scene.

- a. Uses appropriate techniques for collecting evidence and personal property from crime scene in conformance with the following principles:
 - (1) protects the crime scene to prevent the destruction of evidence;
 - (2) searches crime scene systematically to locate evidence;
 - (3) identifies potential evidence;
 - (4) records location of evidence before collection (e.g., crime scene diagram, photograph, videotape, etc.);
 - (5) collects evidence without destroying or contaminating it; and
 - (6) preserves evidence for analysis and courtroom presentation.
- b. Secures evidence according to department policy.

I.F.3.3. Cast Impressions.

- a. Evaluates impressions at crime scene for evidentiary value (e.g., checks for cut in tire, wear spot on shoe, tire track pattern, pattern of shoe sole, tool marks, etc.).
- b. Protects the impression to be cast.

I.F.3.4. Locate and Evaluate Latent Fingerprints.

- a. Identifies the type of objects that can be dusted for prints (e.g., smooth, clean surfaces).
- b. Examines prints for any ridge structure.

I.F.3.5. Secure Digital Media Evidence.

- a. Defines digital media as any electronic technology or device potentially capable of storing information in a binary or virtual manner.
- b. Identifies various types of digital media as:
 - (1) computer systems, components, and access control devices;
 - (2) telephones, cellular phones, answering machines, digital cameras, handheld devices, gaming box devices, and MP3 players;
 - (3) hard drives, memory cards, modems, thumb drives, routers, hubs, and network components;
 - (4) pagers, printers, scanners, and removable storage devices;
 - (5) miscellaneous electronic items (e.g., copiers, credit card skimmers, digital watches, facsimile machines, global positioning systems, iPods, etc.);
 - (6) CD's, DVD's, magnetic tape, and removable disks; and easily concealed in non-typical USB devices.
- c. Considers the sensitive nature and evidentiary value of digital media by recognizing that it:
 - (1) is often hidden (latent) in the same sense as fingerprints or DNA;
 - (2) can transcend borders with ease and speed;
 - (3) is fragile and can be easily altered, damaged, or destroyed;
 - (4) is sometimes time-sensitive; and
 - (5) could contain evidence of a crime (e.g., child porn, I.D. theft, etc.).
- d. Recognizes the technical capabilities of digital devices, including:
 - (1) direct access, both active and passive (e.g., wireless, infrared, etc.);
 - (2) remote access; and
 - (3) system/network connections.

I.F.3.5. Secure Digital Media Evidence. (continued)

- e. Takes the proper steps to secure digital media as potential evidence by:
 - (1) considering the presence of digital photographs and data prior to disabling connections;
 - (2) documenting, photographing and/or video recording the computer configuration and all connections prior to disabling;
 - (3) labeling cables before disabling connections and peripheral devices;
 - (4) documenting which programs are running (if computer is active);
 - (5) shutting down equipment (using proper shut down procedure per operating system);
 - (6) considering the fragile nature of digital evidence; and
 - (7) sending power cords and/or power charging devices with certain electronic devices (laptops, cell phones, x-boxes, PDA's, etc.) to forensic lab (this does not apply to desktop type computers, printers,, monitors, etc.).
- f. Transports and stores digital media evidence by considering:
 - (1) temperature and humidity;
 - (2) physical shock;
 - (3) static electricity and magnetic sources; and
 - (4) placing cell phones in "Faraday bag" or other protective covering to block incoming signals.

Note to Instructor:

Although I.F.3.5. is intended for the first responder (i.e., patrol officer) and not evidence technicians or computer experts, MCOLES designed this material to be taught by an instructor with basic expertise in digital media evidence. First responders should be familiar with department policy, as well as state and federal laws that regulate the seizing of electronic devices. The improper access of data stored in electronic devices may violate provisions of certain Federal laws, including the Electronic Communications Privacy Act. Legal instructors familiar with digital media should address these issues during the appropriate legal blocks of instruction under *Substantive Criminal Law* and *Criminal Procedure*. The legal instruction should also cover relevant case law, consent search issues and the specific language of search warrants as it relates to digital media.

The U.S. Department of Justice published a resource guide for first responders entitled "Electronic Crime Scene Investigation." This document contains relevant information and lists many useful references, organizations, and training resources in the appendices. This document is available at site: <http://www.ncjrs.org/pdffiles1/nij/187736.pdf> . The Federal Trade Commission also maintains a web site regarding Identity Theft and related issues at <http://www.ftc.gov/bcp/edu/microsites/idtheft/index.html> .

I.F.3.6. Tag Evidence and Confiscated Property.

- a. Determines where to mark evidence or confiscated property by considering:
 - (1) how to preserve its value as evidence, and
 - (2) how to protect the article's value to owner.
- b. Places identifying marks on evidence or confiscated property, if possible, which may include:
 - (1) complaint number,
 - (2) officer initials, and
 - (3) date.
- c. Completes evidence tag by recording all pertinent information about the evidence or confiscated property.

I.F.3.7. Package Evidence and Personal Property.

- a. Determines how to package evidence and personal property by considering physical characteristics of the evidence or personal property.
- b. Places evidence and personal property in the appropriate container to secure and protect it (e.g., envelope, box, wrapping paper, packet, etc.).
- c. Determines proper preservation techniques for evidence and personal property (e.g., refrigerating it, drying it, etc.).

I.F.3.8. Transport Evidence and Property.

- a. Handles evidence and property in such a way as to preserve and secure it while being transported (e.g., not placing firearm in plastic bag).
- b. Documents chain of custody of evidence by recording where the evidence or property is transported, who transported it, etc.

I.F.3.9. Document the Chain of Custody For Evidence.

- a. Documents chain of custody of evidence by recording the following information about the evidence:
 - (1) description,
 - (2) dates,
 - (3) times,
 - (4) location,
 - (5) name of recovering officer, and
 - (6) where transported and stored.
- b. Documents the deposit, removal, or return of evidence on appropriate forms.

I.F.3.10. Witness Autopsies.

- a. Verifies identity of body of deceased upon which the autopsy is to be performed.
- b. Collects evidence from the body of the deceased which will assist in the investigation (e.g., photograph fingerprints, obtain nail scrapings, collect clothing, etc.).
- c. Takes custody of evidence collected by the pathologist during the autopsy.
- d. Records (in field notes) facts contributing to death, as determined by the pathologist during the autopsy.

Module History

Revised 01/10

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	F. Crime Scene Process
<u>Module Title:</u>	4. PROCESSING PROPERTY
<u>Hours:</u>	2

Note to Instructor:

Stress need for trainees to familiarize themselves with their agency's record keeping system.

Module Objectives:

I.F.4.1. Process Impounded Property.

- a. Determines whether the circumstances warrant impounding property based on seriousness of offense and nature of property (e.g., can it be destroyed, altered, moved).
- b. Takes custody of property to be impounded.
- c. Documents all property that has been impounded.
- d. Determines status of property that has been impounded (e.g., stolen property, evidence in safekeeping).
- e. Determines final disposition of impounded property based on legal requirements:
 - (1) rightful owner identified and property returned; or
 - (2) property is contraband and must be destroyed; or
 - (3) no owner identified and property is disposed of (e.g., auction, destruction).

I.F.4.2. Determine if Recovered Property is Linked With a Previous Crime.

- a. Checks local sources (e.g., police reports, information from detectives).
- b. Teletypes from other jurisdictions (e.g., checks crimes and modus operandi).
- c. Investigates other possible leads (e.g., compares descriptions of property to determine if they are similar, talks to witnesses).

I.F.4.3. Trace Stolen Goods.

- a. Locates serial numbers and/or other identifying numbers on stolen goods (e.g., driver's license number).
- b. Checks local files to determine if items similar to the item being traced have been reported stolen.
- c. Checks whether item is reported stolen on LEIN.
- d. Prepares an information sheet to notify other law enforcement agencies of recovered property.
- e. Contacts owner or reporting agency to have item identified.
- f. Completes all necessary papers (e.g., release forms, supplementary report, etc.).

I.F.4.4. Recover and Inventory Stolen Property.

- a. Describes recovered stolen property by recording:
 - (1) where the property was recovered,
 - (2) the estimated value of the property,
 - (3) what the property is,
 - (4) when it was recovered, and
 - (5) who recovered it.
- b. Handles stolen property as evidence after it has been inventoried.
- c. Notifies proper authority of disposition of stolen property.

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	G. Special Investigation
<u>Module Title:</u>	1. CHILD ABUSE AND NEGLECT INVESTIGATION
<u>Hours:</u>	3

Notes to Instructor:

Review the Child Protection Laws, specifically MCL 722.628 sec. 8, para (4) (6), and the Forensic Interviewing Protocol.

Module Objectives:

- I.G.1.1. Demonstrate an Understanding of the Provisions of the Child Protection Law.
- a. Describes the responsibilities of a law enforcement officer for:
 - (1) reporting suspected cases of child abuse and neglect to the Department of Human Services including immediate verbal notification and follow-up by filing of form DHS-3200.
 - (2) acting as an investigative resource for the Department of Human Services.
 - b. Describes the role of Protective Services of the Department of Human Services.
 - c. Describes the role of medical personnel.
 - d. Describes the penalties (in general terms) for non-compliance with the law. (MCL 722.633).

I.G.1.2. Recognize Suspected Cases of Child Abuse While Responding to Complaints Related to and Not Related to Child Abuse.

- a. Describes indicators of physical child abuse (e.g., bruises, welts, lacerations, abrasions, and burns).
- b. Describes indicators of physical child neglect (e.g., inadequate clothing, food, housing, and parental supervision).
- c. Describes indicators of sexual abuse or criminal sexual conduct (e.g., incest, molestation, pornography).
- d. Describes indicators of emotional abuse or lack of emotional attention, (failure to thrive syndrome, e.g., lags behind in physical development, progressive wasting away).

I.G.1.3. Investigate Cases of Suspected Child Abuse or Neglect

- a. Talks to witnesses/victims in cases of suspected child abuse:
 - (1) notes the attitudes of parent/guardian toward the child;
 - (2) talks to and examines the victim separate from potential suspect (MCL 722.628c);
 - (3) records statements made by the victim and suspects;
 - (4) compares the explanation of the parents/guardian with the actual injury to the victim;
 - (5) interviews all other parties involved;
 - (6) interviews victim in accordance with the local prosecutor's child abuse and neglect investigation and interview protocol.
- b. Takes child into protective custody:
 - (1) when the conditions or surroundings under which the child is found are such as to endanger the child's health, morals, or welfare (MCL 712A.14, MCR 5.963); and/or
 - (2) for purposes of an exam and medical evaluation (MCL 722.626); and/or
 - (3) pursuant to Michigan's Safe Delivery of Newborns Law (MCL 712.1-5).
- c. Photographs, or causes to have photographed, the setting and the victim.
- d. Records proper information related to the case:
 - (1) identifies witnesses;
 - (2) records the dates and times of suspected abuse;
 - (3) records the dates and times that persons are notified;
 - (4) records the date and time of notification of the DHS;
 - (5) records the instruments or implements used in the crime; and
 - (6) obtains a physician's report for evidence.
- e. Makes an oral report immediately to the Department of Human Services, by telephone or otherwise, when reasonable cause of child abuse or neglect exists (MCL 722.623).
- f. Assists in the prosecution of the case per local procedures, if appropriate.

Module History

Revised	9/01
Revised	4/05

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: G. Special Investigation

Module Title: 2. SEXUAL ASSAULT INVESTIGATION

Hours: 3

Notes to Instructor:

Review relevant provisions of Criminal Sexual Conduct law which were taught in Criminal Law.

Module Objectives:

I.G.2.1. Demonstrate a Working Knowledge of the Criminal Sexual Conduct Laws.

- a. Describes each of the four degrees of criminal sexual conduct.
- b. Identifies the elements of each of the four degrees of criminal sexual conduct at a level relevant to a preliminary investigation.

I.G.2.2. Respond to a Complaint of Sexual Assault.

- a. Responds to a complaint of sexual assault in a manner designed to protect the victim (e.g., responds with lights and siren to a rape in progress; in a low key manner where the assailant has left the scene or is no immediate physical threat to the victim).
- b. Treats the victim in a respectful manner bearing in mind the trauma the victim has suffered.
- c. Protects the crime scene to prevent destruction of evidence.
- d. Transports the victim to the hospital for examination and collection of evidence in cases of first, second and third degree CSC.

I.G.2.2. Respond to a Complaint of Sexual Assault. (continued)

- e. Informs the victim and the examining physician of the availability of a sexual assault evidence kit:
 - (1) if the victim consents, the kit and its procedures shall be used.

I.G.2.3. Investigate a Complaint of a Sexual Assault.

- a. Interviews the victim using techniques appropriate to the nature of the incident.
- b. Searches the crime scene for evidence related to criminal sexual conduct.
- c. Collects and preserves evidence of criminal sexual conduct.
- d. Gathers all information leading to the identification of complainant victim, witnesses, and any other related investigative facts (e.g., who, what, when, where, and how).
- e. Assesses all collected information to determine if a criminal sexual conduct offense occurred and there is probable cause to continue investigation.
- f. Solicits information to determine identification and location of suspect(s).
- g. Establishes probable cause to legally arrest and search, obtains search warrants when necessary.
- h. Takes into custody suspect and/or evidence if opportunity exists.
- i. Completes “Sex Motivated Crime Report” (MSP Report # DD-79) and submits original form to Michigan State Police.

Module History

Revised	July 2004
Revised	July 2006

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: G. Special Investigation

Module Title: 3. NARCOTICS AND DANGEROUS DRUGS

Hours: 2

Note to Instructor:

Review relevant provisions of Controlled Substances Act as taught in Criminal Law.

Module Objectives:

I.G.3.1. Demonstrate a Working Knowledge of the Controlled Substances Provisions of the Public Health Code.

- a. Identifies the provisions related to controlled substances in the Public Health Code, relevant to the functioning of a working patrol officer. (MCL 333.7101 et seq.; MSA 14.15 (7101) et seq.)

I.G.3.2. Investigate Violations of the Controlled Substances Provisions of the Public Health Code Commonly Encountered by the Working Patrol Officer.

- a. Recognizes commonly abused drugs.
- b. Recognizes the behavior commonly associated with drug abusers and traffickers.
- c. Recognizes evidence of a violation of the Act when it is seen (e.g., recognizes a "street deal" in progress).
- d. Collects evidence of a violation including collecting physical evidence; identifying and/or interviewing witnesses; and identifying suspects.
- e. Determines if probable cause exists to affect an arrest or conduct a search.
- f. Relates relevant information regarding violations of the Act to investigators if follow-up is warranted.

Functional Area: I. Investigation

Subject Area: H. Investigation of Domestic Violence

Module Title: 1. NATURE AND PREVALENCE OF DOMESTIC VIOLENCE

Hours: 3.

Notes to Instructor:

This material is designed to be taught by an instructor with expertise in the nature and prevalence of domestic violence. Completion of an MCOLES-approved instructor training course in domestic violence is recommended. The *Michigan Law Enforcement Response to Domestic Violence: Officer Manual* shall be the primary resource for the Domestic Violence Modules.

A list of individuals who have completed the MCOLES instructor training and statewide domestic violence programs are available through MCOLES.

Module Objectives start on next page:

I.H.1.1. Demonstrate an Understanding of the Historical Context and Changes in Society's Understanding of Domestic Violence.

- a. Describes the changes surrounding society's understanding of and response to domestic violence.
- b. Describes how domestic violence affects the entire community:
 - (1) family, co-workers, friends, children and even neighbors of the victim are often hurt or killed by the assailant;
 - (2) children suffer physical, psychological, emotional and behavioral trauma from living in a battering environment;
 - (3) medical costs, work loss and public safety costs are significant; and
 - (4) without intervention, children learn that violence is an acceptable way to solve problems and violence remains a continuing community safety problem.
- c. Describes the role of a domestic violence service program in a coordinated community response:
 - (1) provides shelter to victims;
 - (2) provides support and legal advocacy for victims;
 - (3) provides services to children;
 - (4) some programs provide counseling services to assailants; and
 - (5) to assist victims to develop safety plans for themselves and their children.

Notes to Instructor:

It is important to emphasize that domestic violence is really a *cycle* of violence. The dynamics are such that the relationship may get better at times but then become violent at times. Officers are typically called to the scene during times of eruption, but from the victim's perspective he or she may be conscious of better times. The batterer may seem different at times, almost nice, which makes domestic violence situations particularly harmful and insidious in subtle ways. Moreover, when the victim actually decides to leave or end the relationship, the batterer often becomes unwilling to let go. Domestic violence situations are constantly in flux and what officers observe at the scene may not be what happens all the time in the relationship.

I.H.1.2. Demonstrate an Understanding of the Nature of Domestic Violence.

- a. Recognizes that domestic violence is not limited to any race, sexual orientation, age, socioeconomic class, educational level or occupation.
- b. Describes domestic violence as a pattern of learned behavior which occurs over time that:
 - (1) is used by assailants to get victims to do what the assailants want;
 - (2) includes a variety of abusive and criminal behavior;
 - (3) includes the use of violence and/or the threat of violence;
 - (4) often increases in severity and frequency over time; and
 - (5) can ultimately end in homicide.
- c. Recognizes that domestic violence is not:
 - (1) just an argument or disagreement between partners;
 - (2) a problem that can be worked out by talking;
 - (3) a minor or isolated incident; or
 - (4) caused by drugs or alcohol.

Notes to Instructor:

Domestic violence is characterized by power and control, rather than anger. Through power and control, the batterer will isolate the victim, cause physical harm, keep the victim from work, and engage in a variety of behaviors to control the relationship. The most dangerous time in such relationships, therefore, is when the victim wants to leave. The batterer perceives this as a loss of power and control.

I.H.1.3. Demonstrate an Understanding of the Behaviors Used by Domestic Violence Assailants.

- a. Describes some of the types of criminal behavior used by assailants:
 - (1) physical abuse (e.g., hitting, pushing, shoving, kicking, strangulation, use of a weapon, etc.);
 - (2) sexual abuse (e.g., forces sex on the victim, physically attacks body parts, rapes the victim in front of the children);
 - (3) threats of violence (e.g., against victim, children, family, friends, etc.);
 - (4) stalking (e.g., following, calling, appearing at victim's home or place of work, etc. (may also include threats));
 - (5) kidnapping;
 - (6) destruction of property; and
 - (7) injuring or killing pets.
- b. Describes other types of abusive behavior the assailant may use:
 - (1) emotional abuse (e.g., humiliation, manipulation through lies and mind-games, criticism, name calling, etc.);
 - (2) economic abuse (e.g., keeps the victim from working, controls the finances, makes the victim ask for grocery money, etc.);
 - (3) children used as pawns (e.g., threatens violence against the children, visitation used to harass or keep track of the victim, etc.);
 - (4) intimidation to instill fear through looks, gestures and actions (e.g., smashing objects, destroying property, placing self between victim and an escape route, etc.);
 - (5) isolation of the victim by controlling who the victim sees and talks to, belittling the victim's family and friends;
 - (6) threats to commit suicide and leave the victim responsible for the suicide;
 - (7) repeated threats to engage in the above behaviors; and
 - (8) minimizing and/or denying abusive behavior.

I.H.1.4. Demonstrate an Understanding of Assailant Behavior Officers Might Encounter at the Domestic Violence Scene.

- a. Describes how assailants may present themselves to officers by:
 - (1) attempting to rationalize their violent behavior by:
 - (a) portraying the victim as "hysterical," alcoholic, mentally ill or otherwise needing to be physically restrained;
 - (b) complaining that they are the real victims in the family; or
 - (c) stating that the victim is destroying the family and the assailant is only trying to keep the family together;
 - (2) denying or minimizing the violence when confronted with evidence of their violent behavior by:
 - (a) making statements such as the victim "bruises easily," or there was "just a little pushing" and no real violence;
 - (b) stating that there was an argument but "it was nothing and everything is fine now";
 - (3) blaming the victim for the violence by stating that the victim became physical, but not giving a complete description of events that may include:
 - (a) the assailant was attempting to intimidate the victim by breaking objects, pounding walls or threatening injury to children, family, friends or pets;
 - (b) the assailant was physically blocking the victim's means of escape; or
 - (c) the assailant was attempting to force sex on the victim;
 - (4) making complaints to the police against the victim in an attempt to counter any complaint the victim may have made in response to the assailant's violence;
 - (5) appearing to be calm, non-combative and cooperative; or
 - (6) attempting to draw officers in by making statements such as "what would you do", or "you know how it is."
- b. Describes strategies used by the assailant to intimidate the victim to not participate, and to interfere with investigation and prosecution, such as:
 - (1) calling the police requesting information on the victim's location;
 - (2) attempting to file false police reports if the victim has left (e.g., missing person, stolen car, kidnapping, etc.);
 - (3) attempting to prosecute the victim;
 - (4) attempting to prevent the victim from following through with a case (e.g., threatens or begs the victim to drop charges promising to change, etc.);

I.H.1.4. Demonstrate an Understanding of Assailant Behavior Officers Might Encounter at the Domestic Violence Scene. (continued)

- (5) using a variety of strategies to delay court hearings and increase the victim's financial hardship (e.g., changes lawyers, asks for continuances, etc.);
- (6) giving the victim erroneous information about the criminal justice system to create confusion or prevent the victim from acting (e.g., withholds court notices or gives victim wrong appearance information, etc.); and
- (7) making reports to Children's Protective Services alleging that the victim is neglecting or abusing the children.

I.H.1.5. Demonstrate an Understanding of Victim Behaviors Officers Might Encounter at the Scene of Domestic Violence.

- a. Describes behaviors common to victims of violence or trauma:
 - (1) acts panicked or excited;
 - (2) shuts down or fails to respond; or
 - (3) believes that things will just somehow work out.

- b. Describes behaviors domestic violence victims may display at the scene:
 - (1) minimizes or denies the violence;
 - (2) rationalizes the assailant's behavior to attempt to justify it;
 - (3) is reluctant to discuss specifically what happened, especially if the assailant is at the scene;
 - (4) asks police to leave;
 - (5) asks police not to make an arrest;
 - (6) tries to protect assailant from the police;
 - (7) does not want the assailant prosecuted; or
 - (8) expresses anger.

- c. Describes some of the circumstances in victims' lives that may explain at-scene behavior:
 - (1) victims are frequently isolated as a result of the assailant's control over
 - (a) activities;
 - (b) friends; or
 - (c) contact with family;
 - (2) victims often must focus on the assailant's whereabouts for self-protection, using survival techniques on a daily basis;
 - (3) victims may believe that the violence can be controlled by:
 - (a) observing and attempting to predict the assailant's behavior;
 - (b) changing their own behavior; or
 - (c) putting the assailant's needs and desires first;
 - (4) victims may blame themselves since:
 - (a) assailants tell victims it is their fault;
 - (b) victims believe they should be able to control the assailant's behavior by changing their own behavior; or
 - (c) victims may be unable to believe that someone who says they love them would inflict abuse; and
 - (5) victims become frustrated because no matter what they do they cannot end the violence.

I.H.1.5. Demonstrate an Understanding of Victim Behaviors Officers Might Encounter at the Scene of Domestic Violence. (continued)

- (6) as a coping strategy, victims may rationalize the assaultive behavior and may attribute the behavior to:
 - (a) substance abuse,
 - (b) job stress,
 - (c) mental illness, or
 - (d) other stresses.

I.H.1.6. Demonstrate an Understanding of the Consequences Victims May Face as They Consider Leaving the Assailants.

- a. Describes how victims are at greatest risk when leaving or when the assailant believes the victim is leaving:
 - (1) the risk of homicide increases after separation;
 - (2) victims legitimately fear retaliation against themselves, children and other family members and friends; and
 - (3) victims may feel safer staying since they can then keep track of the assailant.
- b. Describes how leaving, like other major life changes, is a process, with barriers for victims that may include:
 - (1) fear;
 - (2) feeling they cannot make it on their own;
 - (3) a financial inability to leave and care for themselves and children;
 - (4) pressure by family, friends, clergy, etc., not to leave; or
 - (4) assurances by the assailant that the violence will stop.

I.H.1.7. Demonstrate an Understanding of the Consequences Victims May Face When Participating in the Criminal Justice System.

- a. Describes the life threatening consequences the victim may face for participating in the criminal justice system:
 - (1) the assailant may threaten the victim, the children, the victim's family or friends to prevent the victim from participating;
 - (2) the system cannot assure the victim's safety from the assailant if the victim participates; and
 - (3) the assailant knows where to find the victim and can continue to intimidate the victim throughout the investigation and court process.
- b. Describes the other obstacles to participating in the criminal justice system:
 - (1) the victim may have suffered consequences for participating in the past;
 - (2) the assailant knows the victim and can interfere with the victim's ability to appear in court by:
 - (a) preventing mail from reaching the victim; or
 - (b) misinforming the victim about court dates and times, etc.;
 - (3) the time demands that prosecution makes may drain the victim's resources:
 - (a) continuances and other system or defense initiated delays may cost the victim time from work; or
 - (b) numerous court appearances may be a financial drain due to the costs of child care and transportation, etc.; and
 - (4) family and friends may pressure the victim not to participate; and
 - (5) the victim may lack information about the criminal justice system.

I.H.1.8. Demonstrate an Understanding of Indicators that Can Assist Officers in Assessing When an Assailant Might Kill.

- a. Describes the importance of understanding common indicators of a life threatening situation:
 - (1) some assailants are more likely to kill in certain circumstances; and
 - (2) because victims know their assailants better than anyone, they know when their lives are in danger and must be believed when they state they are in danger.
- b. Describes the importance of assessing the lethality at each intervention:
 - (1) the assailant may have left the scene upon officer arrival;
 - (2) the assailant knows the victim and therefore can predict the whereabouts of a victim and the victim's family; and
 - (3) the assailant may be stalking the victim.
- c. Describes indicators of a potential life-threatening attack by the assailant:
 - (1) the victim has left or the assailant has discovered the victim is about to leave or file for a divorce;
 - (2) weapons are present;
 - (3) the assailant has threatened to kill self, victim, or others;
 - (4) ease of access to the victim and/or the victim's family;
 - (5) a history of prior calls to the police;
 - (6) engaged in stalking behavior.
 - (7) threatened to take the victim hostage;
 - (8) killed or mutilated a pet;
 - (9) a history of assaultive behavior;
 - (10) a history of using weapons; or
 - (11) the assailant has an alcohol and/or drug addiction.

Module History

Revised	6/98
Reviewed	1/00
Revised	1/01
Revised	1/10

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	H. Investigation of Domestic Violence
<u>Module Title:</u>	2. LAWS REGARDING DOMESTIC VIOLENCE
<u>Hours:</u>	3

Notes to Instructor:

This material must be taught by an attorney admitted to the Michigan Bar. MCOLES recommends that the instructors have practical experience working with domestic violence cases. MCOLES also recommends that the instructors successfully complete an MCOLES-approved instructor training course in domestic violence. A list of experienced attorneys, or those who have attended this or similar training, is contained in the Domestic Violence Instructor materials or is available from MCOLES.

The textbook for the domestic violence training objectives is *The Michigan Law Enforcement Response to Domestic Violence* (Findlater, Kramp, & Wolfe, 2007).

Module Objectives start on next page:

I.H.2.1. Demonstrate an Understanding that Domestic Violence is a Law Enforcement Issue.

- a. Describes why domestic violence is a law enforcement issue:
 - (1) domestic violence is a pattern of power and control that includes criminal behavior;
 - (2) law enforcement intervention is critical to beginning the process of stopping the violence:
 - (a) arrest is the first step in the criminal justice process;
 - (b) arrest sends the message that criminal behavior will not be tolerated; and
 - (c) arrest provides immediate safety to the victim, children, and the community and workplace; and
 - (3) domestic violence related homicides can often be prevented.
- b. Identifies that a coordinated community response is the most appropriate intervention in domestic violence because:
 - (1) the assailant is held accountable for the violence;
 - (2) information, support and assistance are provided to the victim; and
 - (3) community systems work together to help keep victims and children safe and to help end the violence.
- c. Identifies the importance of evidence-based prosecution through:
 - (1) thorough investigation;
 - (2) collection and preservation of evidence sufficient to proceed without the victim's testimony;
 - (3) arrest;
 - (4) complete and accurate documentation in a written report; and
 - (5) assistance to the victim.
- d. Identifies that there is liability associated with an officer's failure to respond properly to a domestic violence incident (e.g., violations of constitutional rights, equal protection of law, and due process).

I.H.2.2. Demonstrate an Understanding of Substantive Criminal Law as It Relates to Domestic Violence.

- a. Considers crimes likely to be committed in a domestic violence incident:
 - (1) murder;
 - (2) manslaughter;
 - (3) assault, including:
 - (a) assault;
 - (b) assault and battery;
 - (c) aggravated assault;
 - (d) felonious assault;
 - (e) assault with intent to do great bodily harm less than murder;
 - (f) assault with intent to commit criminal sexual conduct;
 - (g) assault with intent to maim;
 - (h) assault with intent to commit murder; and
 - (i) assault on a pregnant woman or injury to the fetus;
 - (4) stalking and aggravated stalking;
 - (5) home invasion;
 - (6) breaking and entering;
 - (7) malicious destruction of property;
 - (8) weapons offenses;
 - (9) criminal sexual conduct;
 - (10) kidnapping/unlawful imprisonment
 - (11) parental kidnapping;
 - (12) arson;
 - (13) child abuse;
 - (14) drug offenses;
 - (15) cruelty to animals;
 - (16) violations of local ordinances;
 - (17) violations of federal domestic violence laws;
 - (18) communications promoting threatening conduct;
 - (19) extortion;
 - (20) obstruction of justice;
 - (21) torture;
 - (22) desertion and non-support;
 - (23) interfering with electronic communication; and
 - (24) human trafficking.
- b. Identifies that Michigan law provides a misdemeanor penalty of imprisonment for not more than 93 days or a fine of not more than \$500, or both, where:
 - (1) the assailant is convicted of assault or assault and battery; and
 - (2) the relationship between the assailant and the victim is:
 - (a) spouse or former spouse;
 - (b) resident or former resident of same household;
 - (c) has had a child in common; or
 - (d) in a current or former dating relationship.

I.H.2.2. Demonstrate an Understanding of Substantive Criminal Law as It Relates to Domestic Violence. (continued)

- c. Identifies that Michigan law provides an enhanced misdemeanor penalty of imprisonment for not more than 1 year or a fine of not more than \$1,000, or both, where:
 - (1) the assailant is convicted of assault or assault and battery;
 - (2) the relationship between the assailant and the victim is:
 - (a) spouse or former spouse;
 - (b) resident or former resident of same household;
 - (c) has had a child in common; or
 - (d) in a current or former dating relationship; and
 - (3) the assailant has previously been convicted of one of the following crimes committed against a spouse or former spouse, or a resident or former resident of the same household, child in common, or current/former dating relationship:
 - (a) assault or assault and battery;
 - (b) violation of a substantially corresponding local ordinance;
 - (c) aggravated assault;
 - (d) felonious assault;
 - (e) assault with intent to commit murder;
 - (f) assault with intent to do great bodily harm;
 - (g) assault with intent to maim; or
 - (h) a substantially similar crime or ordinance from another state.
- d. Identifies that Michigan law provides an enhanced felony penalty of imprisonment for not more than 2 years or a fine of not more than \$2,500, or both, where:
 - (1) the assailant is convicted of assault or assault and battery;
 - (2) the relationship between the assailant and the victim is:
 - (a) spouse or former spouse;
 - (b) resident or former resident of the same household;
 - (c) has had a child in common; or
 - (d) in a current or former dating relationship; and
 - (3) the assailant has previously been convicted two or more times of the following crimes committed against a spouse or former spouse, or a resident or former resident of the same household or has had a child in common, or current/former dating relationship:
 - (a) assault or assault and battery;
 - (b) violation of a substantially corresponding local ordinance;
 - (c) aggravated assault;
 - (d) felonious assault;
 - (e) assault with intent to commit murder;
 - (f) assault with intent to do great bodily harm;
 - (g) assault with intent to maim; or
 - (h) a substantially similar crime or ordinance from another state.

I.H.2.2. Demonstrate an Understanding of Substantive Criminal Law as It Relates to Domestic Violence. (continued)

- e. Identifies that Michigan law provides an enhanced felony penalty of imprisonment for not more than 2 years or a fine of not more than \$2,500, or both, where:
 - (1) the assailant is convicted of aggravated assault;
 - (2) the relationship between the assailant and the victim is:
 - (a) spouse or former spouse;
 - (b) reside or resided together in the same household;
 - (c) has had a child in common; or
 - (d) in a current or former dating relationship; and
 - (3) the assailant has previously been convicted of one or more of the following crimes committed against a spouse or former spouse, or a resident or former resident of the same household or has had a child in common, or current/former dating relationship:
 - (a) assault or assault and battery;
 - (b) violation of a substantially corresponding local ordinance;
 - (c) aggravated assault;
 - (d) felonious assault;
 - (e) assault with intent to commit murder;
 - (f) assault with intent to do great bodily harm;
 - (g) assault with intent to maim; or
 - (h) a substantially similar crime or ordinance from another state.
- f. Identifies that the law enforcement agency shall immediately fingerprint the assailant and shall forward the fingerprints to the state police within 72 hours of the arrest of the assailant in all of the following:
 - (1) felony;
 - (2) misdemeanor assault or assault and battery where the relationship between the assailant and the victim is:
 - (a) spouse or former spouse;
 - (b) resident or former resident of the same household;
 - (c) has had a child in common; or
 - (d) in a current or former dating relationship;
 - (3) any other misdemeanor for which the maximum possible penalty exceeds 92 days imprisonment or a fine of \$1,000, or both; and
 - (4) violation of a Michigan PPO or foreign protection order.

I.H.2.3. Demonstrate an Understanding of the Options Available to the Court in Sentencing and Adjudication in Domestic Violence Cases.

- a. Identifies that the court may delay proceedings and place the assailant on probation without entering a judgment of guilt where:
 - (1) the assailant pleads guilty to or is found guilty of assault, assault and battery, or aggravated assault;
 - (2) the assailant has not been convicted previously of an assaultive crime as defined by MCL 770.9(a)(3);
 - (3) the relationship between the assailant and the victim is spouse, former spouse, resident or former resident of the same household, has had a child in common, or in a current or former dating relationship;
 - (4) the prosecutor consents in consultation with the victim;
 - (5) the assailant has not previously used this procedure; and
 - (6) the court contacts the Department of State Police to determine whether the assailant has previously:
 - (a) been convicted of an assaultive crime, assault, or
 - (b) used this procedure.
- b. Identifies that the court shall enter an adjudication of guilt if during probation the assailant:
 - (1) commits an assaultive crime;
 - (2) violates a court order to receive counseling regarding his or her violent behavior; or
 - (3) violates a court order to have no contact with the victim.
- c. Identifies that the court may enter an adjudication of guilt if the assailant violates any other term or condition of probation.
- d. Identifies that if the assailant fulfills the terms and conditions of probation, the court shall discharge the assailant and dismiss the proceedings.
- e. The Department of State Police shall retain a non-public record of an arrest and discharge and dismissal.

I.H.2.4. Demonstrate an Understanding of the Crime of Stalking.

- a. Identifies the elements of stalking as:
 - (1) a willful course of conduct;
 - (2) involving repeated or continuing harassment of another individual;
 - (3) that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested; and
 - (4) that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested (MCL 750.411h).
- b. Defines "course of conduct" as a pattern of conduct composed of 2 or more separate non-continuous acts, evidencing a continuity of purpose.
- c. Defines "harassment" as conduct directed toward a victim that includes, but is not limited to, repeated or continuing un-consented contact that:
 - (1) would cause a reasonable individual to suffer emotional distress;
 - (2) actually causes the victim to suffer emotional distress; and
 - (3) does not include constitutionally protected activity or conduct for a legitimate purpose.
- d. Defines "un-consented contact" as any contact with another individual that is initiated or continued without that individual's consent, or in disregard of that individual's expressed desire that the conduct be avoided or discontinued, and includes, but is not limited to:
 - (1) following or appearing within victim's sight;
 - (2) approaching or confronting the victim in a public place or on private property;
 - (3) appearing at the workplace or residence of the victim;
 - (4) entering onto or remaining on property owned, leased, or occupied by the victim;
 - (5) contacting the victim by telephone, mail, or electronic communication; or
 - (6) placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
- e. Describes "victim" as an individual who is the target of a willful course of conduct involving repeated or continuing harassment.
- f. Describes "emotional distress" as significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

I.H.2.4. Demonstrate an Understanding of the Crime of Stalking. (continued)

- g. Identifies that immediately upon arrest of the assailant for stalking, the law enforcement agency shall fingerprint the assailant and shall forward the fingerprints to the state police within 72 hours after the arrest.
- h. Stalking is punishable as a misdemeanor, including:
 - (1) imprisonment for not more than one year; and/or
 - (2) a fine of not more than \$1,000;
 - (3) enhancement to a 5-year felony and \$10,000 fine, if the victim is less than 18 years old at any time during the offender's course of conduct and the suspect is 5 or more years older than the victim; and
 - (4) probation up to 5 years.

I.H.2.5. Demonstrate an Understanding of the Crime of Aggravated Stalking.

- a. Identifies aggravated stalking as a felony.
- b. Identifies that an individual commits aggravated stalking by engaging in stalking (see I.H.2.4.) where:
 - (1) assailant has previously been convicted of stalking or aggravated stalking; or
 - (2) at least one of the 2 or more separate non-continuous acts:
 - (a) is in violation of a restraining order and the individual has received actual notice of that restraining order, or is in violation of an injunction or preliminary injunction; or
 - (b) is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or
 - (c) includes the making of 1 or more credible threats against the victim, a member of the victim's family, or another individual living in the victim's household.

Notes to Instructor: A “credible threat” is a threat to kill or injure that causes the victim to reasonably fear for his/her safety or another’s safety.

- c. Identifies that immediately upon arrest of the assailant for aggravated stalking, the law enforcement agency shall fingerprint the assailant and shall forward the fingerprints to the state police within 72 hours after the arrest.
- d. Aggravated stalking is punishable as a felony by:
 - (1) imprisonment for not more than five years; and/or
 - (2) a fine of not more than \$10,000; and
 - (3) enhanced to a 10-year felony and a \$15,000 fine if the victim is less than 18 years old at any time during the offender’s course of conduct and the suspect is 5 or more years older than the victim; and
 - (4) probation for any term of years, but not less than 5 years.

Notes to Instructor: Those on parole for aggravated stalking are required to be GPS monitored if the victim has registered with Department of Corrections for the entire period of parole.

I.H.2.6. Demonstrate an Understanding of the Authority of a Police Officer in Enforcing Domestic Violence Laws.

- a. Identifies the authority of a police officer to enter the scene when responding to a domestic violence complaint without a warrant based on:
 - (1) consent by a person with authority to consent, including:
 - (a) adult occupants; or
 - (b) child occupants, taking into account:
 - (i) age; and
 - (ii) area of dwelling to be entered; or
 - (2) exigent circumstances, including:
 - (a) risk of danger to police or others inside or outside the dwelling;
 - (b) imminent destruction of evidence;
 - (c) need to prevent the suspect's escape;
 - (d) hot pursuit; or
 - (e) emergency aid (to determine if aid is needed and to provide aid).
- b. Recognizes the need to document the grounds that justify entry with specific and articulable facts.
- c. Identifies the need for probable cause that a crime was committed and that the premises contains evidence of the crime.
- d. Recognizes that a law enforcement officer should arrest when:
 - (1) a warrant exists;
 - (2) a felony, misdemeanor or ordinance violation is committed in the officer's presence (MCL 764.15 (1) (a)); or
 - (3) probable cause exists to believe:
 - (a) a felony or misdemeanor (punishable by more than 92 days imprisonment) has been committed;
 - (b) a misdemeanor assault, assault and battery, or aggravated assault has been or is being committed, or a violation of a substantially corresponding local ordinance occurred or is occurring, and there is a domestic relationship between the assailant and the victim defined as:
 - (i) spouse or former spouse;
 - (ii) resident or former resident of the same household;
 - (iii) has had a child in common; or
 - (iv) in a current or former dating relationship (MCL 764.15c);
 - (c) a misdemeanor has been or is being committed on school property;
 - (d) the person has violated or is violating a condition of release (or foreign condition of release) (MCL 764.15e(1));
 - (e) the person has violated, or is violating, a condition of probation or parole (MCL 764.15(1) (g)); or
 - (f) the person has violated or is violating a Michigan PPO or a foreign protection order (see I.H.2.10).

I.H.2.7. Demonstrate an Understanding of a Domestic Relationship Personal Protection Order (PPO).

- a. Identifies that a domestic relationship Personal Protection Order (PPO) is a court order issued by the circuit court prohibiting certain conduct.
- b. Identifies that a violation of a PPO is criminal or civil contempt of court punishable by imprisonment of up to 93 days and/or a \$500 fine.
- c. Identifies that an individual (the petitioner) may obtain a domestic relationship PPO only if there is a domestic relationship between the petitioner and the person restrained or enjoined (the respondent) defined as (MCL 600.2950):
 - (1) spouse or former spouse;
 - (2) reside or resided together in the same household;
 - (3) has had a child in common; or
 - (4) has or has had a dating relationship.
- d. Recognizes that the existence of a domestic relationship will be determined by the court before the court issues the PPO.
- e. Identifies conduct that can be restrained or enjoined by a domestic relationship PPO as:
 - (1) entering onto premises;
 - (2) assaulting, attacking, beating, molesting, or wounding a named individual;
 - (3) threatening to kill or physically injure a named individual;
 - (4) removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or visitation order issued by a court of competent jurisdiction;
 - (5) purchasing or possessing a firearm;
 - (6) interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined;
 - (7) interfering with petitioner at petitioner's place of employment or engaging in conduct that impairs petitioner's employment relationship or environment or place of education;
 - (8) having access to information and records of a minor child that will inform respondent of child's or petitioner's address, telephone, or employment information; or
 - (9) engage in conduct prohibited by the stalking laws; or
 - (10) any other specific conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence (this may include stalking).

I.H.2.7. Demonstrate an Understanding of a Domestic Relationship Personal Protection Order (PPO). (continued)

- f. Recognizes that to obtain a domestic relationship PPO the adult petitioner must:
 - (1) go to court and file a petition, on a form provided without charge by the court, requesting a domestic relationship PPO; and
 - (2) provide evidence in support of the request demonstrating probable cause to believe the respondent may commit one or more of the acts that can be prohibited by the PPO (see I.H.2.7.e.).

Notes to Instructor: In the state of Michigan there are two types of Personal Protection Orders: a) Domestic Relationship, and b) Non-Domestic Stalking. For Non-Domestic Stalking PPOs, see I.H.2.8.

I.H.2.8. Demonstrate an Understanding of a Non-Domestic Stalking Personal Protection Order (PPO).

- a. Identifies that a non-domestic stalking Personal Protection Order (PPO) is a court order issued by the court prohibiting stalking behavior.
- b. Identifies that a violation of a PPO is criminal or civil contempt of court punishable by imprisonment of up to 93 days and/or a \$500 fine.
- c. Identifies that a domestic relationship is not required for a non-domestic stalking PPO (MCL 600.2950a)

Notes to Instructor: In a domestic relationship, stalking is included in a domestic relationship PPO (see I.H.2.7.e.).

- d. Identifies that conduct that can be restrained or enjoined by a non-domestic stalking PPO includes, but is not limited to:
 - (1) following or appearing within the sight of an individual;
 - (2) approaching or confronting that individual in a public place or on private property;
 - (3) appearing at the workplace or residence of that individual;
 - (4) entering onto or remaining on property owned, leased, or occupied by that individual;
 - (5) contacting that individual by telephone, mail, or electronic communication;
 - (6) placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; or
 - (7) purchasing or possessing a firearm.
- e. Recognizes that to obtain a non-domestic stalking PPO the petitioner must:
 - (1) go to court and file a petition, on a form provided without charge by the court, requesting a non-domestic stalking PPO; and
 - (2) provide evidence in support of the request demonstrating that the respondent has engaged in stalking.

I.H.2.9. Demonstrate an Understanding of the Court Procedures Related to Personal Protection Orders (PPOs).

- a. Recognizes that the circuit court must:
 - (1) issue a domestic relationship PPO if the court determines that there is probable cause to believe the respondent may commit one or more of the acts that can be prohibited by the PPO;
 - (2) state immediately in writing the specific reasons for refusing to issue the PPO; and
 - (3) not refuse a petition solely due to the absence of a police, medical, or agency report or due to the absence of physical signs of abuse or violence.
- b. Recognizes that the circuit court must:
 - (1) issue a non-domestic stalking PPO if the court determines that the respondent has engaged in stalking; or
 - (2) state immediately in writing the specific reasons for refusing to issue the PPO.
- c. Recognizes that a PPO (domestic relationship or non-domestic stalking) shall be issued by the circuit court ex parte (without notice to the respondent) if it clearly appears from specific facts shown that:
 - (1) immediate and irreparable injury, loss or damage will result from delay required to give notice; or
 - (2) notice itself will precipitate adverse reaction before a PPO can be issued.
- d. Recognizes that a PPO shall not be made mutual unless both parties have properly petitioned the courts.
- e. Recognizes that the respondent may file a motion, on a form provided without charge by the circuit court, to modify or terminate an ex parte PPO:
 - (1) within 14 days after being served with or receiving notice of the PPO; or
 - (2) for good cause shown, after 14 days.
- f. Identifies that the circuit court must schedule a hearing on a motion to modify or terminate a PPO within:
 - (1) 14 days after the filing of the motion; or
 - (2) 5 days (expedited hearing) after the filing of the motion if the PPO prohibits the purchase or possession of a firearm and the respondent is a:
 - (a) person who is issued a license to carry a concealed weapon for purposes of performing duties related to employment or business;
 - (b) certified police officer;
 - (c) sheriff or deputy sheriff;
 - (d) member of the Michigan department of state police; or
 - (e) local corrections officer, department of corrections employee, or federal law enforcement officer who carries a firearm during the normal course of employment.

I.H.2.9. Demonstrate an Understanding of the Court Procedures Related to Personal Protection Orders (PPOs). (continued)

- g. Recognizes that the clerk of the court that issues a PPO shall immediately:
 - (1) file a true copy of the PPO with the law enforcement agency designated by the court on the PPO to enter the PPO into the LEIN;
 - (2) immediately provide the petitioner with at least two true copies of the PPO;
 - (3) inform the petitioner that the petitioner may take a true copy of the PPO to the designated law enforcement agency for immediate entry onto the LEIN;
 - (4) notify the designated law enforcement agency when the clerk receives proof that the respondent has been served with the PPO;
 - (5) notify the designated law enforcement agency when the PPO has been terminated, modified, or extended by court order;
 - (6) notify the employing law enforcement agency of the PPO, if respondent is a law enforcement officer;
 - (7) notify the CCW board in respondent's county about the PPO, if it prohibits purchasing or possessing a firearm;
 - (8) notify the state department of corrections of the PPO, if the respondent is an employee; and
 - (9) notify the friend of the court (FOC) if the respondent is identified in pleadings as the person who may have access to FOC records.
- h. Recognizes that the petitioner must ensure:
 - (1) respondent is served with the PPO; and
 - (2) proof of service is provided to the clerk of the court that issued the PPO.

I.H.2.10. Demonstrate an Understanding of Enforcement of Domestic Relationship and Non-Domestic Stalking Personal Protection Orders (PPOs).

- a. Identifies that a Personal Protection Order (PPO) in Michigan is effective when signed by a judge, even before served.
- b. Identifies that a PPO is immediately enforceable anywhere in Michigan by any law enforcement agency that has:
 - (1) received a true copy of the PPO;
 - (2) been shown a copy of the PPO; or
 - (3) verified the existence of the PPO in the LEIN.
- c. Identifies that officers may give a verbal notification in situations other than when responding to a call alleging a violation of a PPO (e.g., traffic stops).
- d. Identifies that if the individual restrained or enjoined has been served, a law enforcement officer should arrest if probable cause exists to believe:
 - (1) a domestic relationship PPO or non-domestic stalking PPO exists;
 - (2) the PPO states on its face that violation subjects the violator to immediate arrest and criminal contempt punishable by not more than 93 days and/or a fine of not more than \$500; and
 - (3) the individual is in violation of the PPO by engaging in or having engaged in the conduct restrained or enjoined by the PPO (MCL 764.15b(1)).
- e. Identifies that if the individual restrained or enjoined has not been served, the law enforcement agency or officer responding to a call alleging a violation of a PPO must:
 - (1) serve the individual restrained or enjoined with a true copy of the PPO; or
 - (2) provide the individual restrained or enjoined actual verbal notice of the:
 - (a) existence of the PPO;
 - (b) specific conduct restrained or enjoined;
 - (c) penalties for violating the PPO; and
 - (d) location where the individual restrained or enjoined may obtain a copy of the order; and
 - (3) complete the proof of service form or proof of verbal notice form and provide a copy to the:
 - (a) victim;
 - (b) law enforcement agency that entered the PPO in the LEIN; and
 - (c) court that issued the PPO.

I.H.2.10. Demonstrate an Understanding of Enforcement of Domestic Relationship and Non-Domestic Stalking Personal Protection Orders (PPOs). (continued)

- f. Identifies that after being served or provided notice of the PPO at the scene, the individual restrained or enjoined shall be given an opportunity to immediately comply with the PPO before the law enforcement officer makes a custodial arrest for violation of the PPO.
- g. Identifies that the failure to immediately comply with the PPO shall be grounds for an immediate custodial arrest.
- h. Identifies that in the presence of conflicting orders, such as custody or parenting-time orders, officers must enforce a valid PPO.
- i. Identifies that a thorough criminal investigation should be conducted whenever there is an alleged violation of a PPO.
- j. Recognizes that an arrest should be made for violation of any criminal law even when the assailant is also arrested for violation of a PPO.
- k. Demonstrates a working knowledge of the procedures following an arrest for violation of a PPO, including:
 - (1) the individual arrested shall be brought before the court in the county where the violation occurred within 24 hours to answer to a charge of contempt for violation of the PPO (MCL 764.15b(2));
 - (2) the family division of circuit court for each county of this state has jurisdiction to conduct contempt proceedings based upon a violation of a PPO issued by the circuit court of any county of this state;
 - (3) if a family court judge is not available within 24 hours after arrest, the individual shall be brought within 24 hours before the district court judge (or magistrate if district court is not open within 24 hours of arrest) who will set bond and order the individual to appear before the circuit court; and
 - (4) the court of arraignment shall notify the court that issued the PPO that the issuing court may request that the individual be returned to that county at the expense of the requesting county to stand trial.
- l. Identifies the requirement to prepare a written report (e.g., standard domestic violence incident report form) documenting all facts of the investigation even if no arrest is made (see I.H.2.13.d.).

I.H.2.11. Demonstrate an Understanding of Enforcement of Foreign Protection Orders (FPOs).

- a. Recognizes that law enforcement officers may rely on any protection order that appears to be a foreign protection order (FPO), that is provided to the officer from any source, if the order appears to contain all of the following:
 - (1) the names of the parties;
 - (2) issue date (which is prior to the date enforcement is sought);
 - (3) terms and conditions against respondent;
 - (4) name of the issuing court;
 - (5) signature of, or on behalf of, judicial officer; and
 - (6) no obvious indication that the order is invalid.
- b. Observes that the inability to verify the FPO in LEIN or NCIC is not grounds for the officer to refuse to enforce the order, unless it is apparent that the order is invalid, and that:
 - (1) the officer may rely on the statement of the petitioner that the order shown remains in effect; and
 - (2) the officer may rely only on the statement of the petitioner or respondent that the respondent has received notice of the order.
- c. Determines that a person seeking enforcement of a FPO and does not have a copy of the order, the officer shall attempt to verify the order through:
 - (1) LEIN or NCIC;
 - (2) administrative message;
 - (3) the court that issued the order;
 - (4) the law enforcement agency in the issuing jurisdiction; or
 - (5) the issuing jurisdiction's protection order registry.
- d. Describes law enforcement responsibilities when enforcing FPOs:
 - (1) upon arrest, officers must take the violator's fingerprints and forward them to the Michigan State Police within 72 hours;
 - (2) a person who refuses or resists giving fingerprints is guilty of a misdemeanor punishable by imprisonment of not more than 90 days and/or a \$500 fine;
 - (3) officers must complete the standard domestic relationship report form, or a substantially similar form; and
 - (4) officers and courts must follow Michigan's PPO enforcement procedures for violations of FPOs in Michigan, including penalties and reimbursement for enforcement expenses.
- e. Recognizes that law enforcement officers acting in good faith are immune from civil and criminal liability in any action arising from the enforcement of a foreign protection order.

I.H.2.12. Demonstrate an Understanding of Personal Protection Orders (PPOs) and the Effect on Firearm Purchase or Possession.

- a. Identifies that a PPO (domestic relationship or non-domestic stalking) may prohibit an individual from purchasing or possessing a firearm.
- b. Identifies that if an individual prohibited by a PPO from purchasing or possessing a firearm has been served and is in possession of a firearm, the officer should:
 - (1) arrest the individual; and
 - (2) seize firearms as evidence, including all firearms:
 - (a) in the possession of the individual;
 - (b) in plain view; and
 - (c) found during a valid search.
- c. Identifies that if an individual prohibited by a PPO from purchasing or possessing a firearm has not been served and, after being served or provided notice of the PPO, chooses to comply, the officer may take possession of the firearm for safe keeping.
- d. Identifies that if an individual is prohibited by a PPO from purchasing or possessing a firearm, there are no exceptions, including:
 - (1) police officers, and
 - (2) persons with a concealed weapon permit.
- e. Identifies that an individual prohibited by an ex parte PPO from purchasing or possessing a firearm may file a motion to modify or terminate the PPO and request a hearing (see I.H.2.9.d.).
- f. Identifies that the circuit court shall schedule a hearing on a motion to modify or terminate a PPO within:
 - (1) 14 days after the filing of the motion; or
 - (2) 5 days (expedited hearing) after the filing of the motion if the PPO prohibits the purchase or possession of a firearm and the respondent is a:
 - (a) person who is issued a license to carry a concealed weapon for purposes of performing duties related to employment or business;
 - (b) certified police officer;
 - (c) sheriff or deputy sheriff;
 - (d) member of the Michigan department of state police; or

I.H.2.12. Demonstrate an Understanding of Personal Protection Orders (PPOs) and the Effect on Firearm Purchase or Possession. (continued)

- (e) local corrections officer, department of corrections employee, or federal law enforcement officer who carries a firearm during the normal course of employment.
- g. Identifies that upon entry of proof of service into the LEIN of any PPO (domestic relationship or non-domestic stalking; with or without a prohibition on the purchase or possession of a firearm), the Department of State Police must mail a letter to the individual restrained or enjoined stating that:
 - (1) a PPO was entered into the LEIN on a certain date;
 - (2) the individual cannot obtain a license to purchase a pistol or obtain a concealed weapon license until the PPO is removed from the LEIN; and
 - (3) the individual may request that the state police correct or expunge inaccurate information entered into the LEIN. (MCL 28.422b)
- h. Recognizes that federal law provides that a person who has been convicted of a domestic violence misdemeanor may not purchase or possess a firearm or ammunition.
- i. Recognizes that federal law prohibits a person, other than an on-duty law enforcement officer, from purchasing or possessing firearms or ammunition when a PPO or a conditional pretrial release order is entered.

Instructor Notes: For a summary of the firearms prohibitions, under state and federal law, see page 144 of the *Michigan Law Enforcement Response to Domestic Violence*.

I.H.2.13. Demonstrate an Understanding of Probable Cause (Reasonable Cause) as It Relates to Domestic Violence.

- a. Identifies that the Michigan standard for probable cause (reasonable cause) requires only those facts and circumstances sufficient to cause a fair minded person of average intelligence to believe that the suspected person may have committed or is committing a crime.
- b. Identifies that the probable cause determination does not require:
 - (1) that it is more probable than not that a crime has been committed;
 - (2) corroborating physical evidence; however, the presence of physical evidence bolsters the existence of probable cause; or
 - (3) that the officer conduct a mini-trial to determine the truth.
- c. Identifies that to establish probable cause the officer should consider factors such as:
 - (1) statements by the victim, assailant, children or other witnesses;
 - (2) demeanor of victim, assailant, children or other witnesses;
 - (3) the dispatcher's information;
 - (4) physical evidence that a crime occurred;
 - (5) aggressive or threatening behavior by the assailant;
 - (6) information gathered by investigating wounds to determine:
 - (a) offensive wounds, and
 - (b) defensive wounds;
 - (7) property in the house damaged or broken;
 - (8) brandishing of weapons;
 - (9) the existence of a Personal Protection Order (PPO); and
 - (10) the existence of a Foreign Protection Order (FPO).
- d. Identifies that in determining probable cause the officer should NOT consider the following factors:
 - (1) the lack of a PPO or FPO;
 - (2) the fact that no arrests were made previously;
 - (3) that the victim does not want the assailant arrested or prosecuted;
 - (4) the officer's belief that there will be no prosecution;
 - (5) verbal assurances by either party that the violence will stop;
 - (6) the possibility of reprisals against the victim;
 - (7) the race, ethnicity, sexual orientation, social class and/or occupation of the victim or the assailant;
 - (8) threats by the assailant to sue the police; or
 - (9) negative consequences to the assailant's status in the community.

I.H.2.13. Demonstrate an Understanding of Probable Cause (Reasonable Cause) as It Relates to Domestic Violence. (continued)

- e. Identifies that a finding of probable cause is not precluded by:
 - (1) denial by either party that violence occurred; or
 - (2) a lack of visible bruises or injuries.
- f. Identifies that officers should not arrest an individual if the officer has probable cause to believe the individual was acting in lawful self-defense or in the lawful defense of another person.
- g. Identifies that a person may lawfully use:
 - (1) whatever force the person honestly and reasonably believes is necessary for self-protection or to protect another person from danger; and
 - (2) deadly force when the person honestly and reasonably believes oneself or another person is in imminent danger of being killed, seriously injured or forcibly sexually penetrated (MCL 780.971-974).
- h. Identifies that in determining whether the individual honestly and reasonably believed that the force used was necessary, the officer should consider the facts and circumstances as they appear to the individual. Officers should consider:
 - (1) any history of domestic violence between the individuals;
 - (2) offensive and defensive wounds;
 - (3) the size, strength, and bulk of the parties;
 - (4) the apparent ability of each party to do what was alleged;
 - (5) witness statements (including children); and
 - (6) other evidence (e.g., physical and circumstantial).
- i. Identifies that a person has no duty to retreat:
 - (1) from an assault in one's home;
 - (2) from a forcible entry of one's home; or
 - (3) pursuant to Michigan's Self-Defense Law (MCL 780.951).
- j. Identifies that where there is probable cause to believe that the crimes are committed against each other, and neither was acting in self-defense, the officer should determine who to arrest by considering:
 - (1) the intent of the law to protect victims of domestic violence;
 - (2) the degree of injury inflicted on the individuals involved;
 - (3) the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household;
 - (4) any history of domestic violence between the individuals; and
 - (5) the intent of the law that officers should not make dual arrests to avoid conducting a thorough criminal investigation;

I.H.2.14. Demonstrate an Understanding of the Procedural Requirements in Responding to a Domestic Violence Incident.

- a. Identifies the requirement to provide victims the written notice, after investigating or intervening in a domestic violence incident, required by MCL 764.15c which must include the following (see I.H.3.12.):
 - (1) name and telephone number of the responding police agency;
 - (2) name and badge number of the responding officer; and
 - (3) a prescribed statement informing the victim of the:
 - (a) right to obtain a copy of the police incident report;
 - (b) right to go to court and file a petition requesting a Personal Protection Order (PPO); and
 - (c) local domestic violence shelter program and other resources that provide victims information about services and legal rights.
- b. Identifies the requirement to provide or arrange for emergency medical assistance to victims, regardless of whether an arrest is made (MCL 776.22 (3) (f). See I.H.3.12.
- c. Identifies the requirement to provide the victim within 24 hours of the initial contact with the information required by the Crime Victim's Rights Act (MCL 780.753), including:
 - (1) availability of emergency and medical services, if applicable;
 - (2) availability of victim's compensation benefits and the address of the crime victim's compensation board;
 - (3) address and phone number of the prosecuting attorney; and
 - (4) required statement regarding information on the status of the case.
- d. Identifies the requirement to prepare a written report after investigating or intervening in a domestic violence incident, or a violation of a PPO or FPO, even if no arrest is made, documenting all facts of the investigation, including (MCL 764.15c) (see I.H.3.14.):
 - (1) address, date, and time of the incident;
 - (2) name, address, home and work telephone numbers, race, sex, and date of birth of:
 - (a) victim;
 - (b) assailant; and
 - (c) witnesses, including children;
 - (3) information describing the assailant and whether there is a PPO issued against assailant;
 - (4) relationship of any witness to victim or assailant;
 - (5) name of person who called the law enforcement agency;
 - (6) relationship of victim and assailant;
 - (7) whether drug or alcohol use was involved and by whom;

I.H.2.14. Demonstrate an Understanding of the Procedural Requirements in Responding to a Domestic Violence Incident. (continued)

- (8) narrative about the incident and the scene, describing:
 - (a) the incident and what led up to it;
 - (b) whether and how many times assailant physically assaulted victim;
 - (c) any weapon or object used;
 - (d) injuries sustained by the victim and how injuries were sustained;
 - (e) property damage; and
 - (f) if victim sought medical attention, information about transportation of victim, admittance to hospital or clinic for treatment, and name and telephone number of attending physician;
 - (9) description of previous domestic violence incidents between assailant and victim; and
 - (10) date and time of the report, and name, badge number, and signature of the officer completing the report.
- e. Identifies that a “domestic violence incident” means an incident reported to a law enforcement agency involving allegations of:
 - (1) a PPO or FPO violation; or
 - (2) a crime committed by an individual where the relationship between the assailant and the victim is:
 - (a) spouse or former spouse;
 - (b) a resident or former resident of the same household;
 - (c) has had a child in common; or
 - (d) in a current or former dating relationship.
- f. Identifies that the law enforcement agency shall retain the completed report in its files (MCL 764.15c(3)).
- g. Identifies that the law enforcement agency shall also file a copy of the written report with the prosecuting attorney within 48 hours after the domestic violence incident is reported to the law enforcement agency (MCL 764.15c(3)).
- h. Identifies that when an arrest is made for assault, assault and battery, violation of a substantially corresponding local ordinance, or aggravated assault, the assailant shall not be released by the officer on interim bond, but shall be brought before a magistrate for arraignment or bond as soon as possible where the relationship between the assailant and the victim is:
 - (1) spouse or former spouse;
 - (2) a resident or former resident of the same household;
 - (3) has had a child in common; or
 - (4) in a current or former dating relationship.

I.H.2.14. Demonstrate an Understanding of the Procedural Requirements in Responding to a Domestic Violence Incident. (continued)

- i. Identifies the requirement, when an arrest is made for violation of conditional release (conditional bond), to prepare a "complaint of violation of conditional release" pursuant to MCL 764.15e, containing (see I.H.3.10):
 - (1) officer's name and badge number;
 - (2) statement of verification;
 - (3) statement of conditions;
 - (4) statement of probable cause that assailant violated the conditions.

Module History:

Revised	6/98
Reviewed	1/00
Revised	1/01
Revised	5/02
Revised	1/03
Revised	1/10

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	H. Investigation of Domestic Violence
<u>Module Title:</u>	3. DOMESTIC VIOLENCE RESPONSE PROCEDURES
<u>Hours:</u>	8

Notes to Instructor:

This material is designed to be taught by an instructor with expertise in domestic violence response procedures and who is well versed in pro-arrest response practices. Completion of an MCOLES-approved training course in domestic violence is recommended.

Module Objectives:

I.H.3.1. Respond to the Scene of Domestic Violence.

- a. Responds immediately to the scene.
- b. Evaluates the information received about the complaint, including:
 - (1) dispatch information:
 - (a) who is calling;
 - (b) location of the caller and the complaint, if different;
 - (c) phone number of the caller;
 - (d) what is happening (e.g., is the caller safe? is the assailant still present? etc.);
 - (e) presence of weapons;
 - (f) presence of children, as victims or witnesses;
 - (g) any reported injuries;
 - (h) whether a Personal Protection Order (PPO) is in effect;
 - (i) age of the complaint (e.g., in progress, hours old);
 - (j) prior history;
 - (k) whether the assailant is on probation or parole; and
 - (l) whether the assailant is subject to a conditional release order (conditional bond) (MCL 765.6b);
 - (2) information from witnesses; and
 - (3) information from other officers.
- c. Approaches the scene in a cautious manner:
 - (1) parks a short distance away;
 - (2) waits for backup assistance before entering the scene;

I.H.3.1. Respond to the Scene of Domestic Violence. (continued)

- (3) exchanges information with assisting officer(s);
 - (4) uses cover on approach, with each officer using a separate approach;
 - (5) stands clear of door or windows; and
 - (6) maintains avenues of escape.
- d. Observes and listens for unusual conditions upon arrival at the scene:
- (1) loud arguments;
 - (2) fresh damage to residence; or
 - (3) any other unusual condition (e.g., number of persons, weapons involved, etc.).
- e. Requests assistance through the dispatcher if the situation warrants it.

I.H.3.2. Make Initial Contact at the Scene of Domestic Violence.

- a. Attempts to make contact when it appears no one is at home:
 - (1) tries to establish voice contact by shouting for a response;
 - (2) attempts to engage the party in conversation if voice contact is achieved;
 - (3) asks the dispatcher to call the scene, if the number is available;
 - (4) talks to any available witnesses.
- b. Attempts to gain entry by obtaining consent:
 - (1) asks for permission to enter; and
 - (2) establishes the person's authority to give consent, considering:
 - (a) whether the person lives there;
 - (b) age of the person giving consent; and
 - (c) area of the dwelling to be entered.
- c. Considers a forced entry if there are exigent circumstances, including:
 - (1) risk or danger to police or others inside or outside the dwelling;
 - (2) imminent destruction of evidence;
 - (3) need to prevent the suspect's escape; and
 - (4) hot pursuit.
- d. Evaluates initial information when the suspected assailant answers the door:
 - (1) does not accept statements that the call was a mistake;
 - (2) is aware that there will likely be a denial or a minimizing of the violence;
 - (3) is aware that the assailant may blame the victim or blame alcohol or drugs for the violence;
 - (4) asks to speak to each person at the residence; and
 - (5) refuses to leave without speaking to the victim even when the assailant says everything is fine.
- e. Evaluates initial information when the victim answers the door:
 - (1) asks if the assailant is at the scene;
 - (2) does not accept statements that the call was a mistake;
 - (3) looks for signs of physical and/or emotional trauma;
 - (4) asks to speak to each person at the residence; and
 - (5) refuses to leave without further investigation, even if the victim says everything is fine.

I.H.3.2. Make Initial Contact at the Scene of Domestic Violence. (continued)

- f. Evaluates initial information when a young child or youth answers the door:
 - (1) explains to the child who you are and why you are there;
 - (2) asks the child who else is present at the scene;
 - (3) evaluates whether there is an independent basis for entry (e.g., exigent circumstances);
 - (4) evaluates whether it is reasonable to enter the residence on the basis of the child's comments or behavior, indicating an emergency or exigent circumstances; and
 - (5) refuses to leave without further investigation when the child says everything is fine.

I.H.3.3. Enter the Domestic Violence Scene Effectively and Safely.

- a. Enters the scene cautiously:
 - (1) introduces self as a police officer;
 - (2) looks for possible weapons;
 - (3) explains the necessity to ensure that everyone is safe;
 - (4) locates all of the occupants;
 - (5) observes for any possible signs of injury; and
 - (6) advises all parties the police are there to conduct an investigation to determine if a crime has been committed.
- b. Separates the victim and the assailant immediately upon entry, if possible to separate rooms.
- c. Considers having the assailant step outside if the officer is working alone [Note: One officer response to domestic violence complaints is strongly discouraged and is only to be used when no back-up unit is available].
- d. Maintains physical separation of the victim and the assailant without losing eye contact with the other officer.

I.H.3.4. Conduct a Preliminary Criminal Investigation upon Entry to the Scene.

- a. Observes the location, posture, and demeanor of all present when entry and separation is made.
- b. Scans the scene and makes a mental note about the condition of the scene.
- c. Makes a mental note of any spontaneous statements (excited utterances) made by those present (e.g., victim, assailant, witnesses, including children).
- d. Makes a mental note of the physical condition and emotional state of all those present.
- e. Takes note of anything that may be evidence of a crime which will need to be properly collected.
- f. Takes note of anything that may require explanation or that can be used by officers in interviewing.
- g. Takes note of any apparent injuries.
- h. Seizes any weapons that are visible or available.

I.H.3.5. Interview the Suspected Assailant as Part of the Complete Criminal Investigation at a Domestic Violence Scene.

- a. Maintains physical separation of the victim and the suspected assailant without losing eye contact with the other officer.
- b. Interviews the suspected assailant separately:
 - (1) prevents the suspected assailant from making eye contact with the victim so as not to intimidate the victim;
 - (2) asks questions about the current incident; and
 - (3) remains neutral.
- c. Recognizes tactics that assailants might use when being interviewed:
 - (1) attempts to rationalize the violence;
 - (2) denies or minimizes the violence;
 - (3) blames the victim for causing the violence;
 - (4) attempts to make a complaint against the victim to counter any complaint the victim may be able to make in response to the assailant's violent behavior;
 - (5) presents a very calm, cooperative, non-combative demeanor; or
 - (6) attempts to draw the officer in by making statements such as "what would you do," or "you know how it is."

I.H.3.6. Interview the Victim as Part of the Complete Criminal Investigation at a Domestic Violence Scene.

- a. Interviews the victim separately:
 - (1) prevents the suspected assailant from making eye contact with the victim so as not to intimidate the victim; and
 - (2) prevents the suspected assailant from listening to the victim interview to prevent interference and possible later retribution.
- b. Overcomes the reluctance of the victim to talk by:
 - (1) exercising patience;
 - (2) advising that a crime has occurred and that the victim has a right to be free from assault and abuse;
 - (3) giving assurance that the violence of the assailant is not the victim's fault;
 - (4) giving assurance that the victim is not alone in being the victim of abuse;
 - (5) advising the victim about the availability of support services through the local domestic violence shelter program;
 - (6) informing the victim that domestic violence usually happens again and gets worse unless there is intervention; and
 - (7) explaining to the victim that an arrest does not necessarily mean a prison term for the offender.
- c. Interviews the victim by asking:
 - (1) Do you hurt anywhere?
 - (2) How did you get hurt?
 - (3) Who hurt you?
 - (4) What is your relationship to the assailant?
 - (5) What happened?
 - (6) How were you injured? Were you hit? If so, with a closed or open fist? Where on your body were you hit?
 - (7) Were there any weapons or objects used to strike you?
 - (8) Were any threats made against you or others?
 - (9) Were you forced to have sex when you did not want to?
 - (10) Did the assailant hurt any pets?
 - (11) Did the assailant break or damage anything?
 - (12) Is the assailant on probation or parole?
 - (13) Is the assailant out on bond?
 - (14) Are any court cases pending against the assailant?
 - (15) Does the assailant have reason to believe you might want to leave?

I.H.3.6. Interview the Victim as Part of the Complete Criminal Investigation at a Domestic Violence Scene. (continued)

- d. Questions any statements by the victim that injuries were caused by an accident.
- e. Interviews the victim about behaviors that might constitute stalking, asking, “Has the assailant...
 - (1) been following you?
 - (2) been showing up at your place of work or school?
 - (3) been coming to or watching your home?
 - (4) been trying to contact you by telephone, mail, or e-mail?
 - (5) threatened you, your family or anyone who lives with you?
 - (6) damaged any of your property?
- f. Asks historical questions:
 - (1) When was the first time the assailant hit you?
 - (2) When was the first time you had to go to the doctor or hospital?
 - (3) When was the first time the assailant broke a bone?
 - (4) When was the first time the assailant used an object to hit you?
 - (5) When was the first time the assailant used a weapon?
 - (6) What incident was the most serious? What usually happens before you are assaulted?
 - (7) Has the assailant ever been arrested for assaulting you or your family or friends? Where? When? Was the case prosecuted? By a state or federal prosecutor?
 - (8) Has the assailant ever forced you or threatened you to have sex when you did not want to?
 - (9) Is the assailant on probation or parole?
 - (10) Is the assailant out on bond?
 - (11) Are there any Personal Protection Orders (PPOs) or other court orders in effect against the assailant?
 - (12) Has the assailant ever stalked you in the past?
- g. Interviews children away from the parents, in the home.

I.H.3.7. Determine Whether Probable Cause Exists to Make an Arrest When Responding to Domestic Violence.

- a. Attempts to establish probable cause by considering all relevant factors, including:
 - (1) statements by the victim, children or other witnesses;
 - (2) demeanor of victim, assailant, children or other witnesses;
 - (3) the dispatcher's and other officers' information;
 - (4) physical evidence that a crime occurred;
 - (5) aggressive or threatening behavior by the assailant;
 - (6) information gathered by investigating wounds to determine:
 - (a) offensive wounds, and
 - (b) defensive wounds;
 - (7) property in the house damaged or broken;
 - (8) brandishing of weapons; or
 - (9) the existence of a personal protection order (PPO).
- b. Does NOT consider the following factors in determining probable cause:
 - (1) the lack of a PPO;
 - (2) the fact that no arrests were made previously;
 - (3) that the victim does not want the assailant arrested or prosecuted;
 - (4) the officer's belief that there will be no prosecution;
 - (5) verbal assurances by either party that the violence will stop;
 - (6) the possibility of reprisals against the victim;
 - (7) the race, ethnicity, sexual orientation, social class and/or occupation of the victim or the assailant;
 - (8) threats by the assailant to sue the police; and
 - (9) negative consequences to the assailant's status in the community.
- c. Does not preclude a finding of probable cause based upon:
 - (1) denial by either party that violence occurred; or
 - (3) a lack of visible bruises or injuries.
- c. Identifies that in determining whether the individual honestly and reasonably believed that the force used was necessary, the officer should consider the facts and circumstances as they appear to the individual. Officers should consider:
 - (1) any history of domestic violence between the individuals;
 - (2) offensive and defensive wounds;
 - (3) the size, strength, and bulk of the parties;
 - (4) the possibility that one of the parties acted in self-defense;
 - (5) the apparent ability of each party to do what was alleged;
 - (6) witness statements (including children); and

I.H.3.7. Determine Whether Probable Cause Exists to Make an Arrest When Responding to Domestic Violence. (continued)

- (7) other evidence (e.g., physical and circumstantial).
- e. Identifies that where there is probable cause to believe that the crimes are committed against each other, the officer should determine who to arrest by considering:
 - (1) the intent of the law to protect victims of domestic violence;
 - (2) the degree of injury inflicted on the individuals involved;
 - (3) the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household;
 - (4) any history of domestic violence between the individuals; and
 - (5) the intent of the law that officers should not make dual arrests to avoid conducting a thorough criminal investigation;

I.H.3.8. Arrest a Domestic Violence Assailant After Establishing Probable Cause That a Crime Has Been Committed.

- a. Affects an arrest when the assailant is present by:
 - (1) arresting and handcuffing the assailant;
 - (2) informing the assailant that the decision to arrest and prosecute is being made by the officer, not the victim; and
 - (3) securing the arrested assailant in the patrol car.
- b. Responds pro-actively when the assailant is not present:
 - (1) assists victim in determining if it is safe to remain on the premises;
 - (2) provides assistance to the victim in relocating, if necessary;
 - (3) attempts to locate and arrest the assailant and issues a bulletin to attempt to locate the assailant; and
 - (4) seeks a warrant when unable to locate.

I.H.3.9. Arrest the Assailant After Establishing That a Personal Protection Order (PPO) Has Been Violated.

- a. Asks the victim if a Michigan PPO (either a domestic relationship or non-domestic stalking) or a foreign protection order has been issued against the assailant.
- b. Verifies the validity of the PPO by:
 - (1) verifying it through LEIN; or
 - (2) seeing a true copy of the PPO.
- c. Determines if the assailant has been served by:
 - (1) verifying service via LEIN; or
 - (2) seeing a copy of the proof of service.
- d. Identifies that if the assailant has been served, a police officer shall arrest if probable cause exists to believe:
 - (1) a domestic relationship PPO or non-domestic stalking PPO exists;
 - (2) the PPO states on its face that violation subjects the violator to immediate arrest and criminal contempt punishable by not more than 93 days and/or a fine of not more than \$500; and
 - (3) the assailant is in violation of the PPO by engaging in or having engaged in the conduct restrained or enjoined by the PPO (MCL 764.15b(1)).
- e. Identifies that if the assailant has not been served, the law enforcement agency or officer responding to a call alleging a violation of a PPO shall:
 - (1) serve the assailant with a true copy of the PPO; or
 - (2) provide the assailant actual notice of the:
 - (a) existence of the PPO;
 - (b) specific conduct enjoined;
 - (c) penalties for violating the PPO; and
 - (d) location where the assailant may obtain a copy of the order; and
 - (3) complete proof of service form and provide a copy to:
 - (a) the victim;
 - (b) the law enforcement agency that entered the PPO in LEIN; and
 - (c) the circuit court that issued the PPO.
- f. Identifies that after being served or provided notice of the PPO at the scene, the assailant shall be given an opportunity to immediately comply with the PPO.

I.H.3.9. Arrest the Assailant After Establishing That a Personal Protection Order (PPO) Has Been Violated. (continued)

- g. Identifies that the failure to immediately comply with the PPO shall be grounds for an immediate custodial arrest.
- h. Conducts a thorough criminal investigation whenever there is an alleged violation of a PPO to determine if there also was a violation of any criminal law.
- i. Recognizes that arrest for a violation of a PPO does not preclude arrest for the violation of any criminal law.
- j. Responds pro-actively when the assailant is not present:
 - (1) assists victim in determining if it is safe to remain on the premises;
 - (2) provides assistance to the victim in relocating, if necessary;
 - (3) attempts to locate and arrest the assailant and issues a bulletin to attempt to locate the assailant; and
 - (4) seeks a warrant for any crime committed when unable to locate.

I.H.3.10. Arrest a Domestic Violence Assailant After Establishing That a Conditional Release Order (Conditional Bond) Has Been Violated.

- a. Determines that the assailant has been released on conditional bond via the LEIN.
- b. Arrests the assailant when there is probable cause to believe the assailant is violating or has violated a provision of a conditional release order (conditional bond).
- c. Prepares a "complaint of violation of conditional release" pursuant to MCL 764.15e, containing:
 - (1) officer's name and badge number;
 - (2) statement of verification;
 - (3) statement of conditions; and
 - (4) statement of probable cause that assailant violated the conditions.
- d. Determines the court that imposed the conditions of release.
- e. Takes appropriate action, including:
 - (1) if the arrest occurred within the jurisdiction of the court that imposed the conditions of release, the officer shall:
 - (a) immediately provide the original and one copy of the complaint to that court;
 - (b) immediately provide one copy of the complaint to:
 - (i) the assailant; and
 - (ii) the prosecuting attorney for the case in which the conditional release was granted;
 - (c) retain one copy of the complaint; and
 - (d) bring the assailant before that court within one business day following the arrest; or
 - (2) if the arrest occurred outside the jurisdiction of the court that imposed the conditions of release, the officer shall:
 - (a) immediately provide the original and one copy of the complaint to the district or municipal court where the violation occurred;
 - (b) immediately provide one copy of the complaint to the assailant;
 - (c) retain one copy of the complaint; and
 - (d) bring the assailant before the district or municipal court where the violation occurred within one business day following the arrest.

I.H.3.10. Arrest a Domestic Violence Assailant After Establishing That a Conditional Release Order (Conditional Bond) Has Been Violated.
(continued)

- f. Identifies the importance of documenting lethality factors in officer's written report in order for arresting police agency, or officer in charge of the jail, to determine whether it is safe to release the assailant before the assailant is brought before the court.

I.H.3.11. Complete the Criminal Investigation at the Domestic Violence Scene.

- a. Collects any other additional information:
 - (1) interviews other witnesses (e.g., other adults and children in the residence, neighbors, complainant, etc.); and
 - (2) prepares to write a complete report by documenting in the field notes:
 - (a) the demeanor of victim, assailant, children, or other witnesses;
 - (b) the condition of victim, assailant, children, or other witnesses;
 - (c) spontaneous statements;
 - (d) any torn clothing;
 - (e) smeared makeup;
 - (f) any evidence of injuries, with a diagram;
 - (g) indications of strangulation (e.g., red marks, difficulty breathing or swallowing, hoarse speech, etc.); and
 - (h) referral(s) to victim services agencies.
- b. Identifies the importance of successful prosecution through the collection and preservation of evidence sufficient to proceed without the victim's testimony:
 - (1) notes (sketches) the condition of the crime scene (e.g., disarray of/damage to the physical surroundings);
 - (2) photographs and/or documents the crime scene;
 - (3) collects and tags as evidence firearms, other weapons and/or other objects used;
 - (4) photographs the victim's, assailant's and/or children's injuries;
 - (5) seizes and/or photographs other evidence of violence (e.g. broken dishes and furniture, phones, damage to walls, doors, windows, etc.);
 - (6) requests 911 or dispatch audio tapes be held as evidence; and
 - (7) requests hospital/medical reports when applicable.

I.H.3.11 Complete the Criminal Investigation at the Domestic Violence Scene. (continued)

- c. Conducts a lethality assessment considering the following indicators (also see I.H.1.8.):
- (1) the victim has left or the assailant has discovered the victim is about to leave or file for a divorce;
 - (2) weapons are present;
(the assailant has):
 - (3) threatened to kill self, victim or others;
 - (4) ease of access to the victim and/or the victim's family;
 - (5) a history of prior calls to the police;
 - (6) engaged in stalking behavior;
 - (7) threatened the children;
 - (8) threatened to take the victim hostage;
 - (9) killed or mutilated a pet;
 - (10) a history of assaultive behavior;
 - (11) a history of using weapons; or
 - (12) an alcohol and/or drug addiction.

I.H.3.12. Provide Appropriate Assistance to the Domestic Violence Victim When an Arrest Has Been Made.

- a. Provides victims the written notice required by MCL 764.15c which must include the following:
 - (1) name and telephone number of the responding police agency;
 - (2) name and badge number of the responding officer; and
 - (3) a prescribed statement informing the victim of the:
 - (a) right to obtain a copy of the police incident report;
 - (b) right to go to court and file a petition requesting a Personal Protection Order (PPO); and
 - (c) local domestic violence shelter program and other resources that provide victims information about services and legal rights.
- b. Assists the victim in obtaining medical assistance consistent with departmental policy by:
 - (1) encouraging the victim, if reluctant, to obtain medical assistance, noting that:
 - (a) injuries are often not readily visible, and
 - (b) injuries can be documented that are not visible to the officer; and
 - (2) consulting with community shelters, which may provide or arrange for emergency medical assistance to victims.
- c. Assists the victim and the children with transportation (e.g., to a shelter or friend's home), in a manner that is consistent with departmental policy.
- d. Provides the victim within 24 hours of the initial contact with the information required by the Crime Victim's Rights Act (MCL 780.753), including:
 - (1) availability of emergency and medical services, if applicable;
 - (2) availability of victim's compensation benefits and the address of the crime victim's compensation board;
 - (3) address and phone number of the prosecuting attorney; and
 - (4) required statement regarding information on the status of the case.

I.H.3.13. Secure a Domestic Violence Scene When an Arrest Cannot Be Made.

- a. Creates a calm atmosphere at the scene before leaving.
- b. Assesses the lethality of the scene (See Objectives I.H.1.8. and I.H.3.11.).
- c. Ensures the safety of all parties.
- d. Provides victims the written notice required by MCL 764.15c which must include the following:
 - (1) name and telephone number of the responding police agency;
 - (2) name and badge number of the responding officer; and
 - (3) a prescribed statement informing the victim of the:
 - (a) right to obtain a copy of the police incident report;
 - (b) right to go to court and file a petition requesting a Personal Protection Order (PPO); and
 - (c) local domestic violence shelter program and other resources that provide victims information about services and legal rights.
- e. Documents in the report the reasons why an arrest was not made.
- f. Provides protection to the victim while essential property is collected (e.g., clothes, medicine, etc.) in preparation for leaving.
- g. Assists the victim and children with transportation (e.g., to a shelter or friend's home, etc.) when it is consistent with departmental policy.
- h. Advises the victim of the process for seeking a warrant if a misdemeanor assault took place prior to the arrival of officers, but the relationship between the assailant and the victim is not:
 - (1) a spouse or former spouse;
 - (2) a resident or former resident of the same household;
 - (1) has had a child in common; or
 - (2) in a current or former dating relationship.
- i. Remains at the scene while the suspect leaves when the suspect has no right to remain at the scene.

I.H.3.14. Write a Domestic Violence Report Documenting the Domestic Violence Investigation.

- a. Writes a report consistent with Michigan law documenting the domestic violence response (MCL 764.15c). (See I.H.2.13.6).
- b. Reviews field notes taken at the domestic violence scene.
- c. Documents in the domestic violence written report all facts of the investigation, including:
 - (1) address, date, and time of the incident;
 - (2) name, address, home and work telephone numbers, race, sex, and date of birth of:
 - (a) victim;
 - (b) assailant; and
 - (c) witnesses, including children;
 - (3) information describing the assailant and whether there is a Personal Protection Order (PPO) issued against the assailant;
 - (4) relationship of any witness to victim or assailant;
 - (5) name of the person who called the law enforcement agency;
 - (6) relationship of the victim and assailant;
 - (7) whether drug or alcohol use was involved and by whom;
 - (8) narrative about the incident and the scene, describing:
 - (a) the incident and what led up to it;
 - (b) whether and how many times the assailant physically assaulted the victim;
 - (c) any weapon or object used;
 - (d) injuries sustained by the victim and how injuries were sustained;
 - (e) property damage;
 - (f) if the victim sought medical attention, information about transportation of victim, admittance to the hospital or clinic for treatment, and name and telephone number of the attending physician;
 - (g) facts to support all elements of any offenses committed;
 - (h) all spontaneous statements (excited utterances) made at the scene;
 - (i) a description of the demeanor and emotional state of the person making spontaneous statements;
 - (j) documentation of evidence that was collected at the scene;
 - (k) the rationale for the arrest or no arrest decision;

- I.H.3.14. Write a Domestic Violence Report Documenting the Domestic Violence Investigation. (continued)
- (l) documentation that the victim was provided the written notice required;
 - (m) documentation of referrals made; and
 - (n) a second address and phone number for the victim which must remain confidential;
 - (9) description of previous domestic violence incidents between assailant and victim; and
 - (10) date and time of the report, and name, badge number, and signature of the officer completing the report.
- d. Documents any lethality factors identified that should be considered for purposes of conditional release (conditional bond).
- e. Writes a supplement to the report, if new information becomes available.
- f. Notifies the Department of Human Services, Children's Protective Services when there is suspicion and/or evidence of child abuse and completes an DHS form 3200 and attaches the domestic violence police report to it.

Module History:

Revised	6/98
Reviewed	1/00
Revised	1/01
Revised	5/02
Revised	5/05

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: A. Patrol Operations

Module Title: 1. PREPARATION FOR PATROL

Hours: 1

Notes to Instructor:

Bring in a patrol vehicle to use.

Introduce officer's notebook use.

Module Objectives:

II.A.1.1. Inspect Patrol Vehicle for Weapons and Contraband.

- a. Searches patrol vehicle interior for weapons or contraband at beginning of shift and whenever non-police personnel have been in vehicle (e.g., checks crevices, under and between seats) to:
 - (1) ensure officer safety; and
 - (2) produce potential evidence.
- b. Documents the presence of weapons or contraband discovered in search of patrol vehicle.

II.A.1.2. Prepare For Patrol by Becoming Familiar with Area.

- a. Reviews information on criminal activity in area (e.g., information obtained during roll call briefing session, information read in available documents on criminal activity such as teletype messages, daily bulletins, pin maps, and offense reports).
- b. Records any pertinent information about criminal activity in area of assignment.
- c. Prepares list of wanted persons or stolen vehicles by recording and updating identifying information on persons and vehicles from hot sheets and teletypes.

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedures
<u>Subject Area:</u>	A. Patrol Operations
<u>Module Title:</u>	2. CRIMINAL JUSTICE INFORMATION SYSTEMS; RADIO/TELEPHONE COMMUNICATIONS
<u>Hours:</u>	8

Module Objectives:

- II.A.2.1. Observes Laws, Administrative Rules and Policies Governing Access, Use, Disclosure, and Dissemination of Nonpublic Information in Criminal Justice Information Systems (C.J.I.S.).
- a. Determines proper use and misuse of criminal justice information systems, including L.E.I.N., N.C.I.C. and other criminal justice information systems related to criminal justice or law enforcement.
 - b. Complies with user agreements.
 - c. Defines “access” as “the authorized right to enter or use LEIN/NCIC information.”
 - d. Complies with software requirements, including the use of appropriate “user-level authentication” protocols.
 - e. Identifies C.J.I.S. violations, sanctions, and criminal penalties under law (MCL 28.214).
- II.A.2.2. Distinguish Between the Computer Systems that Make Up the Law Enforcement Information Network (LEIN).
- a. Identifies the various computer systems that make up LEIN.
 - b. Recognizes each computer system’s nuances and capabilities.
 - c. Determines proper computer search criteria utilized by each computer system.
 - d. Utilizes proper terminology compatible with the respective computer system being accessed.

II.A.2.3. Access the LEIN System to Support Patrol and Investigative Operations.

- a. Obtains specific information required (i.e., search criteria) for LEIN query, search, or entry, for:
 - (1) stolen status on property (e.g., make, model, serial number, type);
 - (2) wants/warrants on persons (e.g., name, date of birth, race, sex);
 - (3) vehicle registration and ownership information (e.g., license plate number, VIN, make, serial number, brand, etc.);
 - (4) status of operator's license (e.g., name, DOB, operator's license number, etc.); and
 - (5) missing persons.
- b. Utilizes information obtained to access LEIN for queries, searches, and entries to:
 - (1) determine if property is stolen (vehicles, guns, etc.);
 - (2) determine if person is wanted or has record;
 - (3) determine ownership (title, registration);
 - (4) determine if person has valid operator's license;
 - (5) appropriately document missing persons; and
 - (6) transmit appropriate law enforcement messages.

II.A.2.4 Interpret the Response from the LEIN System.

- a. Reads and correctly interprets the system return.
- b. Differentiates between responses that authorize legal action (e.g., arrest) and those that do not authorize legal action.
- c. Takes appropriate action based on the totality of the circumstances.
- d. Recognizes the civil liability associated with the interpretation of LEIN responses and subsequent officer action.

II.A.2.5 Receive and Evaluate Telephone Requests for Police Service.

- a. Answers telephone using proper agency procedures, including:
 - (1) identifying dispatch center and operator,
 - (2) being courteous,
 - (3) listening carefully (e.g., obtains accurate information),
 - (4) obtaining caller's name, address, and telephone number, and
 - (5) obtaining and recording all pertinent information about the request for service (who, what, when, where, why, and how);
- b. Determines seriousness of call based on nature of crime/complaint;
- c. Informs dispatcher of details about call and that information should be transmitted to appropriate field officers, when necessary; and
- d. Speaks clearly, concisely, and calmly (e.g., keeps questions simple and to the point).

II.A.2.6. Utilize Police Radio to Communicate With Dispatcher, LEIN Operator, and Other Officers.

- a. Operates radio using proper procedures (e.g., makes sure transmission is brief and concise, discusses official business only, and complies with FCC regulations);
- b. Utilizes phonetic alphabet when running file check;
- c. Provides necessary information to make LEIN inquiry; and
- d. Speaks clearly, concisely, and calmly.

II.A.2.7. Inform The Dispatcher of Status and Needs.

- a. Informs dispatcher as to his/her status (e.g., out of service, in service, type of call, situational up-date, etc.);
- b. Evaluates a situation to determine the nature of assistance needed:
 - (1) type (e.g., officer in trouble, officer needs assistance, citizen assistance, etc.),
 - (2) number of personnel needed, and
 - (3) degree of urgency; and
- c. Notifies dispatcher of the type of assistance needed (e.g., officer in trouble or officer needs assistance), exact location, and route to location.

Module History

Revised	10/04
Revised	04/06
Revised	01/10

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: A. Patrol Operations

Module Title: 3. PATROL OPERATION ADMINISTRATIVE DUTIES

Hours: 1

Notes to Instructor:

Module Objectives:

II.A.3.1. Take Custody of Lost and Found Property.

- a. Interviews finder of property to determine how property was found.
- b. Explains to finder procedure for processing lost and found property.
- c. Logs and tags the found property.
- d. Classifies the found property pursuant to 1987 PA 273.
- e. Prepares two reports, general and detailed, for found property other than that classified as junk or minor property.
- f. Stores property in a secure location to prevent loss or damage.
- g. Locates owner of property, if possible, by:
 - (1) checking serial number and registration,
 - (2) referring to identification located on found property, and
 - (3) reviewing reports of larceny or lost articles.
- h. Releases property to owner after requesting owner to identify property and sign a receipt.

II.A.3.1. Take Custody of Lost and Found Property. (continued)

- i. Disposes of found property in the following sequence:
 - (1) owner, if located;
 - (2) finder;
 - (3) law enforcement agency or government unit; or
 - (4) charity.
- j. Indicates disposition of property on property log or report.

II.A.3.2. Verify Vehicle Title Information.

- a. Verifies location of VIN using reference documents (e.g., NATB manuals, etc.)
- b. Locates the VIN on the vehicle.
- c. Compares VIN with vehicle title to determine whether the numbers are the same.
- d. Determines whether the vehicle title or VIN has been altered.
- e. Checks the VIN through LEIN to determine if the vehicle is stolen or wanted.
- f. Completes form documenting that vehicle title corresponds to the vehicle when that is the case.

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedure
<u>Subject Area:</u>	B. Ethics In Policing and Interpersonal Relations
<u>Module Title:</u>	1. ETHICS IN POLICING
<u>Hours:</u>	4

Notes to Instructor:

This module should be taught after Constitutional Law.

The Michigan Commission on Law Enforcement Standards has formally adopted the IACP Law Enforcement Code of Ethics. The Commission requires that ethics be an integral part of all recruit training. The law enforcement “Code of Ethics” must be distributed as a reading assignment, and related to the pertinent objectives (e.g., II.B.1.4.a (3)).

The methods listed in objectives II.B.1.7. were not meant to be all inclusive. Instructors should expand this area and create scenarios that will allow the recruit to apply different techniques. We suggest the “not so obvious” situations for these exercises.

Module Objectives start on next page:

Module History

Revised 12/01

II.B.1.1. Demonstrate an Understanding of the Relationship Between the Police Officer and the Public in our Form of Government.

- a. Describes the overall legal constraints that the police officer works within:
 - (1) the Federal and State Constitutions,
 - (2) statutes, and
 - (3) court decisions.
- b. Describes the police officer as an agent of the government.
- c. Describes that many of the constraints on police behavior are guided by:
 - (1) Attorney General opinions;
 - (2) prosecutor policy and procedures;
 - (3) departmental policy; and
 - (4) community concerns.
- d. Describes that there is a public trust attached to a police officer in that the people expect officers to:
 - (1) be competent in the performance of their duties;
 - (2) serve the public good, not act for personal gain;
 - (3) perform in a non-discriminatory manner and not give preferential treatment; and
 - (4) treat people fairly not abusing the power of the position.

II.B.1.2. Demonstrate an understanding of the Role of Ethics in Performing the Duties of a Police Officer.

- a. Defines ethical behavior as a standard of conduct when dealing with others that reflects the public trust attached to a police officer.
- b. Describes police work as an occupation that involves a series of choices, made on a daily basis, that may be judged right or wrong (e.g., accepting a series of small favors that may result in the officer not taking appropriate action at a later time).
- c. Describes how an officer's personal beliefs and biases may affect behavior (e.g., A police officer's "pro-choice" belief may affect actions taken at a "pro-life" picket of an abortion clinic).
- d. Describes the unwritten influences that may affect ethical behavior such as:
 - (1) peer and organizational pressure;
 - (2) cynicism;
 - (3) going along to get along;
 - (4) us versus them mentality;
 - (5) code of silence; and
 - (6) "noble causes"(e.g., the ends justifies the means).
- e. Describes the impact of ethical behavior on officer safety(e.g., the unethical behavior of sleeping on duty could result in the officer being killed or injured).

II.B.1.3 Demonstrate an Understanding of the Role of Ethics in the Relationship Between the Police Officer, the Organization, and the Public.

- a. Describes the ethical conflicts that may occur between the officer and the organization based on:
 - (1) department traditions and customs;
 - (2) influences from peers(e.g., FTO, senior officers, first line supervisors, etc.);
 - (3) disparate treatment of rookie officer(e.g., rookie officer more likely to be terminated for unethical behavior).
- b. Describes the conflicts that may occur between expectations of the community and the officer's personal beliefs(e.g., expectation that there will be stricter enforcement of laws in dealing with "outsiders" as opposed to locals).

II.B.1.4. Demonstrate an Understanding of How Ethical Behavior Promotes Professionalism.

- a. Describes the characteristics of a profession as:
 - (1) intensive training or study, with an identifiable academic field of knowledge;
 - (2) devotion by all members towards self-improvement;
 - (3) standards of conduct or a code of ethics;
 - (4) a license or certificate to practice; and
 - (5) self-policing of professional standards.
- b. Describes how officers must behave to promote professionalism:
 - (1) have pride in themselves, their work, and appearance;
 - (2) use proper language, profanity is always unprofessional;
 - (3) be responsible for their actions;
 - (4) give and earn respect;
 - (5) be competent in doing their job; and
 - (6) not take things personally which are said or done to them.

II.B.1.4. Demonstrate an Understanding of How Ethical Behavior Promotes Professionalism. (continued)

- c. Describes why officers should be examples of high ethical and moral standards:
 - (1) to promote professionalism in law enforcement,
 - (2) to gain respect, support and confidence of peers and the public;
 - (3) to maintain a sense of self-worth and pride in being a law enforcement officer; and
 - (4) to provide a positive role model to the community and peers.
- d. Describes how officers can establish an ethical foundation by:
 - (1) acquiring personal character that is comprised of:
 - (a) habits of just behavior;
 - (b) habits of trustworthiness;
 - (c) integrity, being the same person in private as in public;
 - (d) honesty; and
 - (2) taking responsibility;
 - (3) doing what you say your going to do; and
 - (4) having the courage to do the right thing.

II.B.1.5. Demonstrate an Understanding of the Relationship Between the Use of Discretion and Ethical Behavior as it Applies to the Enforcement of Laws.

- a. Describes discretion as the freedom to act or make decisions:
 - (1) without supervision;
 - (2) within constraints of law and policy; and
 - (3) in a reasonable manner.
- b. Demonstrates an understanding that full enforcement of the laws is not always possible by recognizing:
 - (1) to do so would ultimately lead to inefficient and ineffective use of resources;
 - (2) it would likely create a hostile relationship with the public; and
 - (3) that warnings are sometimes more appropriate than an arrest or citation.

II.B.1.5. Demonstrate an Understanding of the Relationship Between the Use of Discretion and Ethical Behavior as it Applies to the Enforcement of Laws.
(continued)

- c. Describes guidelines officers should consider for the use of discretion as:
 - (1) whether there was a clear violation of the law;
 - (2) the nature of the offense;
 - (3) the relative seriousness of the injury, if any;
 - (4) the degree of intent to commit the offense;
 - (5) the likelihood to commit future offenses; and
 - (6) the ability to achieve a better solution to the problem(e.g., warning may change the behavior and/or the victim may be satisfied with counseling the offender).
- d. Describes the positive aspects of the proper use of discretion as:
 - (1) increases the effectiveness of police-community relations;
 - (2) allows the department to adjust its priorities to community needs;
 - (3) allows for reasonableness to become part of the criminal justice system;
- e. Describes the negative aspects of inappropriate use of discretion:
 - (1) the officer may be placed into a position of having to justify not affecting an arrest or issuing a citation;
 - (2) the public perception may be that there is something wrong or the officer is corrupt in handling duties;
 - (3) it may result in a lazy officer;
 - (4) it may allow unscrupulous officers to use prejudices and bias as criteria for their duty related actions; and
 - (5) it could be used as a method of corruption.

II.B.1.5. Demonstrate an Understanding of the Relationship Between the Use of Discretion and Ethical Behavior as it Applies to the Enforcement of Laws.
(continued)

- f. Describes factors that could lead to abuse of discretion and/or authority:
 - (1) a person's race, sex, age, national origin, religion, etc.;
 - (2) economic, social or political status;
 - (3) appearance or personal characteristics;
 - (4) speech patterns(e.g., accents, communication skills, etc.);
 - (5) perceived intelligence level;
 - (6) perceived attitude;
 - (7) the personal convenience of the officer; and
 - (8) the officer's personal values.

II.B.1.6. Demonstrate an Understanding of Behavior That Could Result in Compromising an Officer's Credibility, Public Trust, and/or Employment Status.

- a. Describes the primary reasons why officers may act unethically by:
 - (1) experiencing momentary lust, greed, or selfishness;
 - (2) rationalizing bad decisions;
 - (3) being afraid of "paying the price" for doing the right thing(e.g., being ostracized by peers); and
 - (4) engaging in "noble causes"(e.g., do anything to convict a serious offender, for the good of society) .
- b. Describes behaviors that are destructive to an officer's character such as:
 - (1) accepting gratuities, gifts or other benefits;
 - (2) mistreating people, physically or emotionally;
 - (3) abusing alcohol or other substances;
 - (4) violating the law;
 - (5) participating in the code of silence;
 - (6) lying;
 - (7) not accepting responsibility for one's actions; and
 - (8) committing sexual improprieties.

II.B.1.6. Demonstrate an Understanding of Behavior That Could Result in Compromising an Officer's Credibility, Public Trust, and/or Employment Status. (continued)

- c. Describe methods for handling unethical and/or illegal behavior on the part of a fellow officer as:
 - (1) expressing verbal disapproval of minor infractions with the officer;
 - (2) reporting continued minor infractions to a supervisor;
 - (3) reporting serious misconduct to a supervisor immediately;
 - (4) preventing criminal behavior, if possible, and reporting it to a supervisor immediately; and
 - (5) identifying a mentor the officer can turn to for advice and guidance(e.g., fellow officer, department chaplain, supervisor, psychologist, etc.).
- d. Describe the following formal sanctions that could result from unethical behavior:
 - (1) verbal reprimand,
 - (2) written warning,
 - (3) suspension,
 - (4) dismissal,
 - (5) criminal charges,
 - (6) civil liability.

II.B.1.7. Describe Some Methods That Will Assist in Making Ethical Decisions.

- a. Describes the Appearance Test as asking the question; Would a reasonable person, who knew all the relevant facts and circumstances, judge that this act created an appearance of impropriety?
- b. Describes the Conflict of Interest Test as asking the question; Would a person, with knowledge of all the relevant facts, question your impartiality in this situation?
- c. Describes the Ends-Means Test as asking the questions;
 - (1) is the end good;
 - (2) can the means work;
 - (3) is there a less harmful alternative; and
 - (4) does it undermine some equal or more important value?

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedure
<u>Subject Area:</u>	B. Ethics in Policing and Interpersonal Relations
<u>Module Title:</u>	2. LAWS PERTAINING TO CIVIL RIGHTS AND HUMAN RELATIONS
<u>Hours:</u>	2

Notes to Instructor:

Instructors for this module should review and be familiar with the Ethics and Cultural Diversity modules.

Module Objectives:

- II.B.2.1. Demonstrate an Understanding of Title VII of the 1964 Civil Rights Act (42 USC 2000e, et. seq.)
- a. Describes the main provision of the Act as making discrimination on the basis of race, color, religion, sex or national origin a violation of the Act.
 - b. Identifies four ways discrimination may occur:
 - (1) intentional or "evil intent" behavior that targets individuals because they belong to a certain group;
 - (2) disparate treatment (i.e., individuals are treated differently because of race, color, etc.);
 - (3) disparate impact (i.e., an activity or behavior that on its face appears to be non-discriminatory, but the end result is discriminatory) (e.g., A 5'8" height requirement for police officers appears non-discriminatory, but the impact is to eliminate many Asian-Americans from police jobs); or
 - (4) denial of an accommodation which includes a disability and religion as categories entitled to an accommodation.

II.B.2.1. Demonstrate an Understanding of Title VII of the 1964 Civil Rights Act (42 USC 2000e, et. seq.) (continued)

- c. Describes the law generally applying to:
 - (1) employers with more than fifteen employees who engage in interstate commerce; and
 - (2) federal, state, and local political subdivisions and educational institutions.
- d. Identifies the provision for administrative proceedings and adjudication by the Equal Opportunity Employment Commission (EEOC)

II.B.2.2. Identify the Key Elements of Michigan's Elliott-Larsen Civil Rights Act (MCL 37.2101).

- a. Compares Elliott-Larsen to Title VII and describes it as:
 - (1) broader in scope in that it:
 - (a) covers all employers in the state of Michigan;
 - (b) includes height, weight, arrest record, and marital status;
 - (c) provides for a wide range of injunctive relief and monetary damages; and
 - (d) provides for administrative proceedings and adjudication by the Michigan Department of Civil Rights; and
 - (2) specifically defines sexual harassment.
- b. Describes Section 29 of the Michigan Constitution as:
 - (1) creating the Michigan Civil Rights Commission; which
 - (2) gives civil rights and their enforcement constitutional authority.
- c. Identifies the responsibility of the Michigan Civil Rights Department which includes:
 - (1) receive, initiate, and investigate, complaints;
 - (2) conciliate, adjust, dispose of, issue charges, and hold hearings on complaints;
 - (3) approve or disapprove plans to correct past discriminatory practices; and
 - (4) require interrogatories, order submission of books, papers, records and other pertinent materials.

II.B.2.2. Identify the Key Elements of Michigan's Elliott-Larsen Civil Rights Act (MCL 37.2101). (continued)

- d. Describes the civil penalties for violation of the Act (Sec 605).
 - (1) injunctive relief,
 - (2) unlimited compensatory damages,
 - (3) attorney fees, and
 - (4) other relief the Commission deems appropriate(e.g., suspension of a liquor license of a bar owner who discriminates).
- e. Identifies retaliation against someone for filing a complaint as unlawful.

II.B.2.3. Demonstrate an Understanding of Title II of the Americans With Disabilities Act (42 USC 12101).

- a. Identifies discrimination based on disability in regards to participation in, and/or benefits from, any program, service or activity as a violation of the Act.
- b. Defines a person with a disability as someone who has:
 - (1) a physical or mental impairment that substantially limits one or more of the major life activities;
 - (2) a record of such an impairment; or
 - (3) is regarded as having such an impairment (i.e., perceived impairment).
- c. Interacts with persons with disabilities (e.g., general public, victims, suspects, witnesses or arrestees);
 - (1) using appropriate officer safety procedures;
 - (2) applies appropriate restraints;
 - (3) provides access to police information, programs, and publications; and
 - (4) maintains confidentiality of medical information (e.g., knowledge that a person has AIDS cannot become public information).

II.B.2.3. Demonstrate an Understanding of Title II of the Americans With Disabilities Act (42 USC 12101). (continued)

- d. Describes guidelines for interacting with persons with disabilities:
 - (1) recognizes symptoms and appropriate medical and emotional support for people experiencing seizures;
 - (2) shows sensitivity to and appropriate support in aiding people who are mobility challenged;
 - (3) arranges for interpreters for the speech and/or hearing impaired; and
 - (4) provides access to professional support systems for the mentally disabled;
- e. Identifies the difference between characteristics common to certain disabilities (e.g., epilepsy, diabetes, deafness, etc.) and those associated with:
 - (1) antisocial behavior,
 - (2) criminal behavior, and
 - (3) reaction to alcohol or drug abuse.

II.B.2.4. Demonstrate an Understanding of the Persons with Disabilities Civil Rights Act (MCL 37.1101, et. seq.).

- a. Identifies discriminatory practices, policies, and customs against individuals with disabilities as unlawful.
- b. Defines a disability as a determinable physical or mental characteristic of an individual or a history of the characteristic that causes substantial limitation to one or more major life activities, which may result from disease, injury, congenital condition of birth, or functional disorder (MCL 37.1103).
- c. Describes the Act as covering anyone who:
 - (1) has a disability,
 - (2) has a history of a disability, or
 - (3) is regarded as having a disability.
- d. Identifies MCL 37.1302 as pertaining to the delivery of public services.

II.B.2.4. Demonstrate an Understanding of the Persons with Disabilities Civil Rights Act (MCL 37.1101, et. seq.). (continued)

- e. Compares MCL 37.1302 to Title II of the ADA and identifies that:
 - (1) the language is more general in nature;
 - (2) the language parallels each other; and
 - (3) the Civil Rights Commission uses the ADA specific language for interpretation.
- f. Describes officer responsibility when interacting with those with a disability to:
 - (1) identify the disability or perceived disability;
 - (2) acknowledge that there is a "duty to accommodate"; and
 - (3) make a reasonable accommodation.

II.B.2.5. Demonstrate an Understanding of Michigan's Ethnic Intimidation Statute (MCL 750.147b).

- a. Defines Ethnic Intimidation as hate/bias crimes with the malicious and specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin and;
 - (1) causes physical contact with another person; or
 - (2) damages, destroys, or defaces any real or personal property; or
 - (3) threatens by word or act, to:
 - (a) do either or both of the above; or
 - (b) there is reasonable cause to believe the act will occur.
- b. Describes ethnic intimidation as a felony punishable by a maximum 2 years imprisonment, and/or a fine of \$5000.
- c. Describes the civil remedies available to victims of intimidation as:
 - (1) civil action which may be brought regardless of the outcome of any criminal action;
 - (2) damages 3 times the actual damages or \$2000 whichever is greater;
 - (3) damages for emotional distress;
 - (3) reasonable attorney fees; and
 - (4) injunctive relief.

II.B.2.5. Demonstrate an Understanding of Michigan's Ethnic Intimidation Statute (MCL 750.147b). (continued)

- d. Distinguishes between hate crimes and other confrontations by:
 - (1) identifying and documenting all the elements necessary to prove ethnic intimidation;
 - (2) identifying visible symbols of hate (e.g., a Nazi swastika, burning cross, etc.);
 - (3) obtaining accurate quotes of suspect's statements;
 - (4) documenting the suspect's actions;
 - (5) identifying the absence of other, non-hate motives (e.g., no evidence of a personal conflict); and
 - (6) identifying a group or organization the suspect belongs to (e.g., neo-Nazi Skinheads, KKK, etc.).
- e. Describes the reporting requirements mandated by Public Act 319 as:
 - (1) police agencies and sheriff departments shall report to the Department of State Police hate/bias crimes based upon:
 - (a) race,
 - (b) ethnic origin,
 - (c) religion,
 - (d) gender, or
 - (e) sexual orientation.

Module History:
Revised Jan 2009

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedure
<u>Subject Area:</u>	B. Ethics In Policing and Interpersonal Relations
<u>Module Title:</u>	3. CULTURAL AWARENESS/DIVERSITY
<u>Hours:</u>	8

Notes to Instructor:

II.B.3.2.b. Instructors need to research current demographic data and insert it here.
II.B.3.6.b. & c. and II.B.3.11. when covering these objectives instructors should remind recruits about the Laws Module II.B.2.1 and II.2.B.2 which govern this behavior.
II.B.1.4. It would be appropriate at this point to discuss the academy's policy regarding harassment. II.B.3.5.b. Refer recruits to the Laws Module and objective II.B.2.5 regarding Ethnic Intimidation.

Module Objectives:

- II.B.3.1 Describe the Benefits of Understanding Diverse Cultures That Make Up The Officer's Living and Working Environment.
- a. Describes the personal benefits as helping the officer:
 - (1) be more effective in performing duties;
 - (2) improve communication;
 - (3) demonstrate professionalism; and
 - (4) create a safer environment.
 - b. Describes the organizational benefits as:
 - (1) creating a professional atmosphere for the department;
 - (2) reducing citizen complaints;
 - (3) strengthening the department through greater community support; and
 - (4) greatly reducing the "us versus them" attitude.

II.B.3.2 Demonstrate an Understanding of a Multi-Cultural Society.

- a. Describes society in America as a mosaic:
 - (1) which is composed of many different and unique cultures; with
 - (2) each contributing to the total cultural makeup of the society (i.e., Our laws, music, art, language, and literature reflect this diversity).
- b. Describes the demographic patterns in the United States as constantly changing (e.g., between 1992 and 2000 racial groups increased by: White - 5.2%; African American - 14.6%; Hispanic - 38.6%; Asian and others - 40.1%).
- c. Describes the impact of these changing patterns upon law enforcement agencies and officers in terms of the necessity for:
 - (1) the agency's workforce to be representative of the community's diversity, and
 - (2) officers to develop greater skills in cultural empathy and understanding within both the community and law enforcement agency.

II.B.3.3. Demonstrate an Understanding of the Basic Nature of Culture.

- a. Describes culture as:
 - (1) an external or conscious part that includes:
 - (a) customs,
 - (b) language,
 - (c) food,
 - (d) rituals, etc.;
 - (2) an internal or unconscious part that includes:
 - (a) beliefs,
 - (b) thought patterns,
 - (c) core values,
 - (d) shared views acting as the major determinate of behavior;
 - (3) a coping system that makes life easier by:
 - (a) organizing the world into meaningful/manageable parts;
 - (b) defining appropriate behavior;
 - (c) establishing a "social comfort zone";
 - (d) providing common ground which allows for effective communication;
 - (e) providing survival skills to manage difficult situations and reduce stress; and
 - (4) an issue of pride.
- b. Describes police officers as members of a sub-culture within society that:
 - (1) shares in the overall culture of the society;
 - (2) holds distinctive characteristics that may be separate from society ;
and
 - (3) a group whose shared values include:
 - (a) officer safety,
 - (b) loyalty to each other,
 - (c) courage,
 - (d) integrity/honesty,
 - (e) ingrained suspicion of others,
 - (f) unique sense of humor,
 - (g) decisiveness or a "take charge" mentality.

II.B.3.3. Demonstrate an Understanding of the Basic Nature of Culture. (Continued)

- c. Describes how the "police culture" may negatively affect community relations through:
 - (1) cultural preference,
 - (2) low tolerance for diversity,
 - (3) ethnocentrism,
 - (4) stereotyping,
 - (5) prejudice,
 - (6) racism, and
 - (7) xenophobia

II.B.3.4. Demonstrate an Understanding of Stereotyping.

- a. Defines stereotype as a standardized mental picture held by an individual or group:
 - (1) about other individuals and groups who are deemed "different";
 - (2) which is an oversimplified opinion, attitude, or belief; and
 - (3) which overlooks individuality.
- b. Describes stereotyping behavior as the act of forming an oversimplified positive or negative mental picture which is:
 - (1) uncontested and unchallenged;
 - (2) about things or persons the individual is categorizing at a given time;
 - (3) accepted as "fact" while the individual may not even be aware the process is going on at the time; and
 - (4) universal (i.e., we all engage in stereotyping).
- c. Describes sources of stereotypes as:
 - (1) parents,
 - (2) mass media,
 - (3) educational system,
 - (4) peer groups, and
 - (5) individual experiences with individuals or groups.

II.B.3.5. Demonstrate an Understanding of the Characteristics of Prejudice.

- a. Describes prejudice as an opinion or judgement:
 - (1) based upon information supplied through stereotyping;
 - (2) preconceived, and strongly-held; and
 - (3) usually adverse, emotionally charged and highly resistant to change.
- b. Describes the impact of prejudice on behavior as
 - (1) not inherently harmful; but
 - (2) creating harm when acted upon through:
 - (a) hurtful or demeaning language;
 - (b) physical violence;
 - (c) an infringement on civil liberties; or
 - (d) failure to act when required.

II.B.3.6. Demonstrate an Understanding of How Prejudice Influences Behavior.

- a. Describes how prejudices left uncontested and unchallenged may transform into destructive behavior (e.g., racism, sexism, ethnicism, etc.).
- b. Describes the characteristics of prejudicial behavior as:
 - (1) an assignment of some type of inferiority to the target;
 - (2) an assignment of superiority given to the owner(s) of the prejudice;
 - (3) often unintentional;
 - (4) occurring individually or institutionally; and
 - (5) leading to discrimination (e.g., assigning women officers only to juvenile duties).
- c. Describes how prejudicial behavior may occur in law enforcement:
 - (1) individual officers are prejudice and demonstrate discriminatory behavior;
 - (2) the department creates and carries out prejudicial disparity within its policies, procedures, or practices; or
 - (3) community groups create pressures to perform in a discriminatory manner.

II.B.3.7. Improve Communication with Community Members by Acknowledging Cultural Traits and Values.

- a. Acknowledges that groups possess cultural traits such as:
 - (1) relationship with nature (e.g. is there a sacred/supernatural kinship to the earth - [Native American] or is there a desire to control nature with science and technology - [Euro American]?),
 - (2) time focus(e.g. present focus, connection with heritage and history - [African American] or present focus, relationships more important than time - [Latino-American]),
 - (3) family (e.g. communal, family oriented, paternalistic - [Asian American] or individualistic, self interest - [Euro American]),
 - (4) non-verbal communication (e.g. direct eye contact, physical distance - [Euro American] or deferred eye contact and physical closeness - [Latino American]).
- b. Acknowledges that among different groups there are commonly held values (e.g., safety, security, family, sense of community, etc.).
- c. Uses the knowledge of group values and traits to effectively communicate by:
 - (1) respecting the values of the group;
 - (2) listening carefully to what is being communicated;
 - (3) empathizing, not sympathizing(i.e., showing understanding, not showing pity);
 - (4) remembering the ethnic and cultural perspective of individual(s) speaking;
 - (5) avoiding stereotyping because of gender, race, or ethnic background;
 - (6) monitoring one's own tone of voice, body language and gestures; and
 - (7) recognizing shared values with others.

II.B.3.8. Communicates Across Cultures Effectively.

- a. Uses key principles for more effective communication, such as:
 - (1) pays appropriate attention to individual differences during professional interactions;
 - (2) bases decisions or actions on professionally responsible and unbiased criteria;
 - (3) considers the individual's merit in an un-prejudiced manner; and
 - (4) understands the context in which a communication occurs (e.g., comments made to a friend in private may be inappropriate when made in the presence of others).
- b. Understands the community the officer is working in and avoids making assumptions about the culture of its people.
- c. Understands that effective cross-cultural communication does not require an officer to compromise officer safety or abandon appropriate police procedures.

II.B.3.9. Demonstrate an Understanding of Barriers to Cross-Cultural Communication.

- a. Describes problems officers may encounter during cultural contacts:
 - (1) assumptions that there are sufficient similarities among peoples of the world to make communication easy;
 - (2) differences in language;
 - (3) non-verbal misinterpretations;
 - (4) preconceptions and stereotypes;
 - (5) a tendency to approve or disapprove the statements or actions of another group based upon one's own value system;
 - (6) anxiety in interacting with unfamiliar cultures; and
- b. Describes some officer behaviors that may cause problems in a cross-cultural contact:
 - (1) sarcasm, put-downs or wise cracks related to judgmental or stereotyping prejudices;
 - (2) demeaning or disrespectful attitude or manner (e.g. facial contortions, disrespectful gestures, etc.);
 - (3) use of slang terms, foul language, or racial epithets/slurs (e.g. "boy", "beaner", "spic", "wop", "red man", "cracker", etc.)
 - (4) mimickery or mockery of an individual's personal and unique differences(e.g. mimicking the accent or responses of a person's speech);
 - (5) use of distancing terms(e.g. "you people, your kind")
 - (6) demonstrating fear or hatred of strangers or foreigners(e.g. "so what planet are you from?");
 - (7) use of blaming or scapegoating to make up for a sense of helplessness in communication efforts(e.g. "why can't you speak English like the rest of us?);
 - (8) attempting to copy mannerisms, or using "street talk" in trying to become one of the group; and
 - (9) unintentional statements that demonstrate lack of cultural awareness.

II.B.3.9. Demonstrate an Understanding of Barriers to Cross-Cultural Communication. (continued)

- c. Describes a personal action plan that will assist in lessening one's own prejudices:
 - (1) develop networks with people from cultures most frequently encountered;
 - (2) find colleagues who have a good understanding of people and discuss interpersonal relations in the community;
 - (3) resolve to accept and see the differences in cultures and affirm them as unique and positive;
 - (4) review one's own prejudices/stereotypes and seek to eliminate them;
 - (5) reassess personal "police values";
 - (6) challenge discriminatory remarks, racial or ethnic slurs, and help create an environment that prohibits these actions; and
 - (7) participate in cultural groups and their festivals, special celebrations, etc.

II.B.3.10. Interact With Co-workers and Supervisors, Within the Law Enforcement Organization, in a Non-prejudiced Manner.

- a. Demonstrates sensitivity with regard to differences in socio-economic background, race, gender, sexual orientation, religious affiliation, etc.
- b. Demonstrates respect for others in language, gestures, and actions.
- c. Recognizes the subtle forms of prejudicial behavior and discrimination such as:
 - (1) resistance to officers in the minority caused by:
 - (a) unsupported beliefs that minority officers are not as competent; and
 - (b) unfounded fears that minority officers will disturb the cohesiveness of the work group.
 - (2) tokenism in the form of employing very small numbers of minority officers to give the appearance of equality which results in:
 - (a) a tendency for the tokens to be kept separated and alienated;
 - (b) continual stress of always being on display; and
 - (c) minority group blame, what one minority officer does will reflect on all minority officers; and
 - (3) discrimination in:
 - (a) assignments,
 - (b) information dissemination,
 - (c) assistance to career advancement,
 - (d) being singled out for discipline.

II.B.3.11. Demonstrate an Understanding of the Law regarding Sexual Harassment.

- a. Describes behavior that may constitute sexual harassment as:
 - (1) unwelcome sexual advances,
 - (2) requests for sexual favors, and
 - (3) other verbal or physical conduct of a sexual nature.
- b. Such behavior becomes illegal when:
 - (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment (i.e., Quid Pro Quo);
 - (2) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual (i.e., Quid Pro Quo); or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- c. Describes the law as applicable to officers in their interaction with the public (e.g., an officer frequents a restaurant and continually makes sexual remarks to a waitress).

II.B.3.12 Demonstrate an Understanding of the Causes of Sexual Harassment

- a. Describes gender issues that contribute to the problem such as:
 - (1) male roles assigned by society (e.g., compete to win at any cost, decision maker, protector/provider);
 - (2) female roles assigned by society,(e.g., cooperate to avoid conflict, nurturing and responsibility for emotional care of family, pregnancy, and child care) and;
 - (3) the extension of these issues into the police culture which results in:
 - (a) changing role expectations,
 - (b) fear that women are competing for jobs traditionally thought of as mens jobs,
 - (c) confusion about the boundaries of proper conduct because of the work setting, and
 - (d) inappropriate behavior such as sexual jokes, and touching that is meant to show acceptance.
- b. Describes the "power" issues as they relate to sexual harassment as:
 - (1) using one's position to request dates or sex;
 - (2) exclusion from certain work activities;
 - (3) subservient status;
 - (4) insensitive interruptions; and
 - (5) failure to remove harasser from the situation after it is reported.

II.B.3.13. Demonstrate an Understanding of the Costs Associated with Sexual Harassment.

- a. Describes the impact on victims in terms of:
 - (1) the hurt felt by the victim,
 - (2) psychological stress,
 - (3) physical ailments,
 - (4) low productivity,
 - (5) stigma attached by reporting misconduct, and
 - (6) resignation/termination from the department.
- b. Describes organizational costs in terms of:
 - (1) the depressed work environment (e.g., lack of trust),
 - (2) low productivity,
 - (3) tarnished reputation,
 - (4) job turnover, and
 - (5) monetary awards (generally in excess of \$100,000) to victims through civil action.
- c. Describes the impact on the accused in terms of:
 - (1) psychological stress;
 - (2) low productivity;
 - (3) departmental discipline;
 - (4) personal liability;
 - (5) tarnished reputation; and
 - (6) possible loss of job.

II.B.3.14. Demonstrate an Understanding of the Responsibility Assumed in Preventing Harassment.

- a. Describes the organizations responsibility as:
 - (1) developing policy and procedures which clearly state the organizations posture on discriminating behavior;
 - (2) training all personnel in the recognition of offensive behavior, resolution options, and personal liability associated with such behavior; and
 - (3) investigating all harassment complaints fairly and discipline wrong doers.
- b. Describes individual complaint resolution options as:
 - (1) personally addressing the offender;
 - (2) reporting the complaint to a supervisor or designated individual within the organization;
 - (3) contacting the labor representative;
 - (4) seeking the services of a private attorney; and
 - (5) filing a complaint with the EEOC, Michigan Civil Rights Commission, or Circuit Court.
- c. Describes the responsibility for eliminating harassment in the workplace as shared between, management, supervision, line officers and staff.

Module History:
Revised 04/07

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedure
<u>Subject Area:</u>	B. Ethics in Policing and Interpersonal Relations
<u>Module Title:</u>	4. INTERPERSONAL SKILLS
<u>Hours:</u>	8

Notes to Instructor:

II.B.4.9. Instructors should present “Communication Access Needs: A Presentation for Law Enforcement Officers” videotape (Michigan State Police Media Production Center, April 2001). Students should be provided with “Communication Guide for Law Enforcement Officers” (DHS Publication 181).

The Civil Rights Division of the U.S. Department of Justice has developed many resources regarding the law enforcement response to people with disabilities, including resources that address communicating with people who are deaf or hard of hearing. These resources include videotapes, pocket guides, and other printed materials and are available free of charge by contacting the ADA Information Line at (800) 514-0301 (voice), (800) 514-0383 (TTY), or on the ADA website at www.ada.gov.

Module Objectives:

- II.B.4.1. Demonstrate an Understanding of the Importance of Effective Communication in Policing.
- a. Acknowledges that effective communicators are better police officers because they:
 - (1) create a good working environment;
 - (2) foster police and community relations;
 - (3) obtain more information from co-workers, citizens and suspects;
 - (4) promote professionalism;
 - (5) solve more crimes;
 - (6) resolve more community problems;
 - (7) have a higher plea/conviction rate; and
 - (8) are respected by their peers.

II.B.4.2. Demonstrate an Understanding of The Basics of Communication.

- a. Defines effective communication as an interactive exchange of thoughts, messages, information, emotions, and attitudes between people where a degree of understanding takes place.
- b. Describes communication as an interrelated process consisting of:
 - (1) the sender encoding the message;
 - (2) a method for transmitting the message;
 - (3) the receiver decoding the message;
 - (4) noise or other distracters (i.e., anything that reduces the accuracy of the communication); and
 - (5) non-verbal aspects of the communication (i.e., body language)
- c. Describes the impact of the communication process on understanding as:
 - (1) seven percent being accredited to the actual words;
 - (2) thirty eight percent to the way it was said; and
 - (3) fifty five percent to the non-verbal aspects.
- d. Describes the role personal values play in the communication process (i.e., officers must be aware of their own values and respect the values of others).
- e. Describes factors that affect communication:
 - (1) an adequate self-concept;
 - (2) understanding perceptions;
 - (3) the ability to be a good listener;
 - (4) the skill of expressing one's thoughts and ideas clearly;
 - (5) the ability to cope with emotions, such as anger, in a functional manner; and
 - (6) the willingness to disclose oneself to others.

II.B.4.3. Apply Techniques that will Enhance Listening Skills.

- a. Distinguishes between hearing what is said and understanding what is being communicated; the effective listener interacts with the speaker in developing meaning and reaching understanding.
- b. Applies techniques to improve listening skills:
 - (1) encourage people to talk by:
 - (a) using open ended questions;
 - (b) managing body position and stance; and
 - (c) choosing an appropriate environment.
 - (2) stop talking (e.g., allows silence);
 - (3) keep an open mind;
 - (4) give your undivided attention to the speaker;
 - (5) withhold judgement;
 - (6) search for unexpressed meaning; and
 - (7) utilize reflective listening techniques (i.e., practices empathy, paraphrases, and summarizes)
- c. Observes non-verbal communication cues that may indicate a more accurate meaning (e.g., does nervousness indicate deception or just being uncomfortable?).

II.B.4.4 Identify Verbal and Non-verbal Behavior That Indicates Potential Hostility.

- a. Describes verbal cues that may indicate potential violence such as:
 - (1) loud voice,
 - (2) profanity,
 - (3) threatening words, and
 - (1) angry tone.
- b. Describes non-verbal cues that may indicate potential violence such as:
 - (1) red flushed face,
 - (2) hyperventilation,
 - (3) shaking,
 - (4) clenched fists,
 - (5) rigid body,
 - (6) fixed stare,
 - (7) hesitation to move as commanded.
- c. Is aware that inappropriate behavior for the circumstances may indicate potential violence (e.g., "gut feeling" that something isn't right or a police officer's sixth sense).

II.B.4.5. Demonstrate an Understanding of Methods for Conflict Resolution.

- a. Distinguishes between the:
 - (1) emotional aspects (e.g., anger, distrust, defensiveness, fear, rejection, etc.); and
 - (2) substantive aspects (e.g., conflicting needs, disagreements over policies, etc.) of a conflict.
- b. Describes the first step in conflict resolution is to deal constructively with emotions by:
 - (1) treating the other person with respect;
 - (2) listening until you experience the other side; and
 - (3) stating your views, needs, and feelings.

II.B.4.5. Demonstrate an Understanding of Methods for Conflict Resolution. (continued)

- c. Identifies six methods that are used to resolve the substantive aspects of a conflict:
 - (1) denial (i.e., denying the existence of a problem);
 - (2) avoidance (i.e., withdrawing from the situation or act if the problem does not exist);
 - (3) accommodate (i.e., giving in);
 - (4) dominate (i.e., imposing one's own solution on the other person).
 - (5) compromise (i.e., each party settles for less than what they really want); and
 - (6) collaborative problem solving (i.e., parties join together to find a solution to the problem) using a six step process:
 - (a) define the problem in terms of needs, not solutions;
 - (b) brainstorm possible solutions;
 - (c) select the solution(s) that will meet both parties needs and look at consequences;
 - (d) plan who will do what, where and by when;
 - (e) implement the plan;
 - (f) evaluate the process and how the solution is working.

II.B.4.6. Identify Situations That Are Likely to Cause Severe Stress or Crisis for Citizens.

- a. Crimes or acts affecting the victims vulnerability/loss of control, such as:
 - (1) rape,
 - (2) burglary/robbery,
 - (3) death threat,
 - (4) elderly victim living alone, and
 - (5) severe traffic crash.
- b. Domestic violence, child abuse, and elder abuse.
- c. Delivery of emergency messages to family (e.g., death, serious injury).
- d. Missing persons, particularly children, mentally ill, or emotionally impaired.

II.B.4.7. Describes the Mental States that Persons in Crisis May Exhibit.

- a. High anxiety or emotional shock, either:
 - (1) agitated and/or very active; or
 - (2) stunned, inactive and depressed.
- b. Denial, which is a protective mechanism that prevents too much from happening too fast.
- c. Anger, which is a response to frustration.
- d. Remorse has elements of guilt and sorrow (e.g., phrases such as "If I had only....").
- e. Grief is the first real stage of healing.
- f. Reconciliation occurs when the crisis is resolved and the person returns to a state of equilibrium.

II.B.4.8. Demonstrate an Understanding of Techniques Used to Communicate with Persons in Crisis.

- a. Acknowledges the ordeal for the Victim and reassures his/her immediate safety (e.g., You have been through a terrible ordeal, you are **safe now**.).
- b. Utilizes active listening techniques such as allowing silence, offering reflective comments, and providing timely clarifications and summaries.
- c. Uses diversion reality questions to assist the person in crises to concentrate or ventilate (e.g., How many people live here with you?).
- d. Poses simple choices to help victims regain some sense of control (e.g., Would you like a friend or victim advocate called?, or Would you like a glass of water?).
- e. Provides options and/or directions.
- f. Explains procedures that will follow.
- g. Shows awareness of non-verbal cues; eye contact and body posture, that can be valuable in reducing crisis symptoms.

II.B.4.9. Demonstrate an Understanding of Techniques Used to Communicate with Deaf or Hard of Hearing Persons

- a. Identifies signs that a person may be deaf or hard of hearing, such as:
 - (1) points to ear and then mouth as a sign for “deaf;”
 - (2) does not respond or responds inappropriately;
 - (3) often asks speaker to repeat self;
 - (4) obvious hearing aids;
 - (5) international symbol of deafness or the word “deaf” on the back of driver’s license (MCL 257.310); and/or
 - (6) approved “Communication Access Needs” visor or wallet card.
- b. Recognizes appropriate steps to aid communication, such as:
 - (1) face the person and speak slowly;
 - (2) use pen and pad if the person cannot lip-read;
 - (3) do not shine flashlight into person’s face while talking;
 - (4) keep sentences simple and clear; and
 - (5) do not place obstacles in front of face or mouth when speaking.
- c. Recognizes officer safety concerns, such as:
 - (1) person may not respond to requests or commands;
 - (2) person may make quick movements when reaching for pen and paper; or
 - (3) officer positioning when interacting with vehicle driver or occupants.
- d. Understands additional or differing procedures for arrests:
 - (1) obtaining Nationally Certified or State Qualified Interpreter for police or legal proceedings (ADA Rehabilitation Act of 1973 Section 504, PA 204 of 1982);
 - (2) obtaining qualified interpreter prior to reading the Miranda Warnings (MCL 393.505); and
 - (3) recognizing that handcuffing may remove the person’s only means of communication.

II.B.4.9. Demonstrate an Understanding of Techniques Used to Communicate with Deaf or Hard of Hearing Persons
(continued)

- e. Describes officer behaviors that may cause problems in a contact with deaf or hard of hearing persons, such as:
 - (1) mimicry or mockery of an individual's personal and unique differences;
 - (2) use of distancing terms (you people; your kind)
 - (3) demonstrating fear or hatred of deaf or hard of hearing persons;
 - (4) use of blaming or scapegoating to make up for a sense of helplessness in communication efforts; or
 - (5) unintentional statements that demonstrate a lack of awareness or concern for the communication barriers.

II.B.4.10. Deliver Emergency Messages (e.g., Injuries, Death).

- a. Requests assistance from other parties (e.g., clergy, family, friends, victim support teams).
- b. Communicates emergency message to proper recipient, providing all necessary information in a concerned and dignified manner.

II.B.4.11. Establish Rapport with People While on Patrol.

- a. Displays courteous and friendly attitude to citizens on patrol.
- b. Talks to citizens (e.g., business persons, community group members) by:
 - (1) introducing himself/herself, and
 - (2) asking citizens about their needs for law enforcement assistance.
- c. Listens to questions from the public in a patient, courteous manner (e.g., avoids interrupting person, asks questions to clarify what information is desired).
- d. Responds to questions from the public by:
 - (1) providing or obtaining accurate information to answer the question,
 - (2) referring the person to appropriate information source, or
 - (3) advising person that information is confidential.

Module History

Revised September 2001
Revised May 2005
Revised July 2006

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: B. Interpersonal Relations and Conflict Mediation

Module Title: 5. CIVIL DISPUTE

Hours: 1

Notes to Instructor:

Use role-playing.

Module Objectives:

II.B.5.1. Approach the Scene of a Civil Dispute.

- a. Evaluates information received about dispute (e.g., dispatch information, information from witnesses, information from other officers) to determine potential dangers in situation.
- b. Approaches site of dispute in a cautious manner (e.g., does not stand in front of door or windows, looks for means of escape).
- c. Observes and listens for unusual conditions upon arrival at dispute (e.g., fresh damage to property).

II.B.5.2. Manage a Civil Dispute.

- a. Identifies complainant if unable to locate disputants.
- b. Requests assistance through dispatcher if situation warrants additional strength.
- c. Enters site of dispute cautiously (e.g., introduces himself/herself, observes for all possible weapons).
- d. Separates disputants, if possible.
- e. Listens to both sides of dispute without taking sides to determine source of dispute.

II.B.5.3. Resolve a Civil Dispute.

- a. Advises disputants (e.g., in labor and management, landlord/tenant, or repossession disputes) of alternative courses of actions:
 - (1) civil remedies,
 - (2) prosecution,
 - (3) filing a suit in small claims court, etc.
- b. Protects safety of disputants and officer(s).
- c. Mediates civil dispute to satisfaction of disputants, if possible.
- d. Arrests disputant in volatile on-going dispute when a violation of a law occurs.

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedure
<u>Subject Area:</u>	B. Ethics in Policing and Interpersonal Relations
<u>Module Title:</u>	6. VICTIM RIGHTS
<u>Hours:</u>	2

Notes to Instructor:

For the responding officer, the circumstances of each crime scene or criminal situation will differ. The appropriate response to victims of crime will be shaped by the facts of each specific situation. Accordingly, officers will be required to prioritize their tasks within the context of each call.

Module Objectives:

II.B.6.1. Demonstrate an Understanding of the Nature of Victimization.

- a. Defines a “victim” as anyone who, through no fault of their own, suffers direct or threatened:
 - (1) harm (physically or mentally),
 - (2) economic or financial loss,
 - (3) impairment of fundamental rights.
- b. Recognizes that immediate family members, friends, and others close to the victim may experience vicarious traumatization.
- c. Recognizes that victims need to:
 - (1) feel safe,
 - (2) express their feelings, and
 - (3) know “what comes next.”
- d. Describes behaviors victims may display at the scene, including:
 - (1) anger;
 - (2) fear;
 - (3) powerlessness;
 - (4) self-blame;
 - (5) denial;
 - (6) sadness; and/or
 - (7) no outward behavioral change may occur.

II.B.6.1. Demonstrate an Understanding of the Nature of Victimization.
(continued).

- e. Recognizes that there may be a variety of immediate physical reactions to victimization, including:
 - (1) rapid breathing;
 - (2) rage;
 - (3) fixed stare;
 - (4) loud voice;
 - (5) headache;
 - (6) shaking; and/or
 - (7) nausea.
- f. Recognizes that secondary victimization may occur as the victim interacts with the criminal justice system.
- g. Recognizes that secondary victimization may include children witnessing domestic abuse, homicide, rape, etc.

Notes to Instructor:

Some domestic violence victims may minimize or even deny the violence. They may rationalize the assailant's behavior and attempt to justify it.

II.B.6.2. Identify Situations That Are Likely to Cause Severe Stress or Crisis for Crime Victims.

- a. Describes how various crimes may affect the victim's vulnerability/loss of control, crimes such as:
 - (1) sexual assault,
 - (2) OWI-related deaths,
 - (3) death threats,
 - (4) elder abuse,
 - (5) domestic violence,
 - (6) hate bias crimes,
 - (7) homicide, or
 - (8) child abuse.
- b. Delivers emergency messages to the family by:
 - (1) delivering the notification in person;
 - (2) using a volunteer advocate, when available;
 - (3) being sensitive to the reactions of those receiving the news;
 - (4) using interpersonal communication techniques; and
 - (5) being aware that certain situations may call for a heightened awareness for officer safety.
- c. Recognizes that missing persons, particularly children, the mentally ill, or the emotionally impaired will experience severe stress.

II.B.6.3. Describes the Mental Stages that Persons in Severe Crisis May Experience.

- a. Describes the mental stages in a severe crisis as:
 - (1) high anxiety or emotional shock, either:
 - (a) agitated and/or very active; or
 - (b) stunned, inactive and depressed.
 - (2) denial, which is a protective mechanism that prevents too much from happening too fast;
 - (3) anger, which is a response to frustration;
 - (4) remorse, which has elements of guilt and sorrow (e.g., phrases such as, “If I had only...”)
 - (5) grief, the first real stage of healing; and
 - (6) reconciliation, which occurs when the crisis is resolved and the person returns to a state of equilibrium.
- b. Recognizes that mental stages can vary by person and type of crime.
- c. Recognizes that victimization is not limited to any race, sexual orientation, age, educational level, or occupation.

II.B.6.4. Advise Victims of Their Rights Under the William Van Regenmorter Crime Victims Rights Act.

- a. Advises the victim of a reported crime within 24 hours of the initial contact of the following (MCL 780.753):
 - (1) the availability of emergency and medical services, if applicable;
 - (2) the availability of victims' compensation benefits and the compensation board's address;
 - (3) the address and phone number of the prosecuting attorney; and
 - (4) the required statement regarding information on the status of the case.
- b. Recognizes that the law enforcement agency having responsibility for investigating a reported crime shall promptly return to the victim property belonging to that victim, except property that is:
 - (1) contraband;
 - (2) in dispute regarding ownership; or
 - (3) needed as evidence (MCL 780.754).
- c. Recognizes that within 24 hours after the arraignment of the defendant, law enforcement shall give notice of the following:
 - (1) the arrest of the defendant;
 - (2) the availability of pretrial release;
 - (3) bond revocation procedures;
 - (4) the phone number of the sheriff or juvenile facility; and
 - (5) that the victim may contact the sheriff or juvenile facility to determine if the defendant has been released (MCL 780.755).
- d. Recognizes that the Crime Victims Service Commission provides assistance to victims, in certain circumstances, which may include:
 - (1) compensation for medical expenses;
 - (2) funeral costs;
 - (3) costs for counseling and rehabilitation; and
 - (4) compensation for loss of earnings (MCL 18.351-368).
- e. Recognizes the fundamental rights enumerated in the State of Michigan Constitution, Article I, Section 24, for the victims of crime.
- f. Maintains the confidentiality of the victim's address, place of employment, telephone number, etc.

II.B.6.5. Demonstrate an Appropriate Law Enforcement Response to the Victims of Crime.

- a. Minimizes the effects of victimization by:
 - (1) providing appropriate notifications;
 - (2) actively listening;
 - (3) avoiding inappropriate body language;
 - (4) showing respect to the victim; and
 - (5) reassuring the victim's immediate safety.
- b. Avoids inappropriate interaction with the victim by NOT:
 - (1) treating the victim as if they are different;
 - (2) blaming the victim;
 - (3) stating that the victim caused or deserved it; and/or
 - (4) being judgmental.
- c. Recognizes that factors outside the control of the officer may affect the response to victims, including:
 - (1) department policies and procedures;
 - (2) the officer's stress management capabilities;
 - (3) county or local protocols (e.g., autopsies, child interviewing, etc.);
 - (4) the availability of resources for assistance; and/or
 - (5) time constraints from supervisory personnel.
- d. Fosters victim confidence in the criminal justice system by:
 - (1) maintaining confidentiality;
 - (2) documenting statements and evidence;
 - (3) preparing thoroughly for court
 - (4) writing a complete criminal offense report (bring to court);
 - (5) conducting post incident reviews; and
 - (6) giving appropriate referrals.

II.B.6.6. Demonstrates an Understanding of the Role of the Victim Advocate.

- a. Recognizes that the role of victim advocates includes:
 - (1) providing crisis intervention services;
 - (2) acting on behalf of the victim as their case moves through the criminal justice system;
 - (3) making the appropriate referrals;
 - (4) making sure that the needs of the victims are met;
 - (5) providing orientation to the criminal court system;
 - (6) helping the criminal justice system to accomplish its mission; and
 - (7) providing appropriate notifications.
- b. Identifies victim assistance programs as resources for victims, including:
 - (1) victim service programs through the Michigan Sheriff's Association;
 - (2) victim witness programs through county prosecutors' offices;
 - (3) Michigan tribal victim assistance;
 - (4) Crime Victim's Service Commission;
 - (5) city and local victim advocates;
 - (6) Michigan Crime Victim Notification Network; and
 - (7) other victim advocacy programs (MADD, DV Hotline, Michigan Coalition Against Domestic and Sexual Violence, etc.).
- c. Describes the role of victim advocacy in a coordinated community response to victimization by working with the assistance of:
 - (1) emergency response personnel;
 - (2) local emergency service providers;
 - (3) court personnel;
 - (4) medical personnel;
 - (5) support groups; and/or
 - (6) legal advocates.

Notes to Instructor:

The role of the victim advocate may differ depending on whether the advocate is prosecutor-based or agency-based. For example, advocates in most prosecutor's offices are not counselors. Generally, they act as a liaison between the victim and the legal system.

II.B.6.7. Deliver Death Notifications.

- a. Recognizes that death or homicide situations will be much more intense emotionally than other types of trauma.
- b. Requests assistance from other parties (e.g., clergy, family, friends, victim support teams) during notification.
- d. Communicates the emergency message to the proper recipient, in person, providing all necessary information in a concerned and dignified manner.
- e. Acts appropriately when delivering a death notification by:
 - (1) knowing the details of the incident;
 - (2) notifying the closest survivor;
 - (3) being direct, compassionate, and unambiguous;
 - (4) showing respect;
 - (5) accepting the survivor's reactions;
 - (6) showing empathy; and
 - (7) providing appropriate assistance.

Module History:

Implemented	1/04
Revised	4/06

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: C. Patrol Techniques

Module Title: 1. TYPES OF PATROL

Hours: 1

Notes to Instructor:

Module Objectives:

II.C.1.1. Demonstrate Familiarity with Patrol in a Vehicle Using a Variety of Techniques.

- a. Describes:
 - (1) random vs. directed patrol
 - (2) proactive vs. reactive patrol
 - (3) one vs. two-officer patrol
 - (4) others including:
 - (a) vehicles/dogs
 - (b) off-road vehicles
 - (c) snowmobiles
 - (d) aerial

II.C.1.2. Patrol on Foot.

- a. Patrols area on foot by:
 - (1) using random pattern (e.g., avoids fixed routine),
 - (2) frequenting areas of known problems, and
 - (3) using correct beat walking techniques (e.g., next to building at night, next to curb during the day).
- b. Maintains contact (radio and telephone) with base station.

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: C. Patrol Techniques

Module Title: 2. PATROL AREA CHECKS

Hours: 4

Notes to Instructor:

Module Objectives:

II.C.2.1. Check Parks and School Grounds.

- a. Identifies ordinances and laws related to prohibited activity in parks and on school grounds.
- b. Patrols parks and school grounds at random times, checking secluded and problem areas for violations and illegal acts.

II.C.2.2. Search Unlocked Businesses and Dwellings For Signs of Illegal Entry.

- a. Notifies dispatcher of unlocked building.
- b. Secures building perimeter using backup unit(s), if necessary.
- c. Visually checks outside of building for signs of entry (e.g., pry marks, broken windows, footprints, ladders).
- d. Enters building in safe and cautious manner, checking for points of entry (e.g., entry from adjacent buildings and/or roof). (Addressed in detail in Responding to Crimes in Progress.)
- e. Evaluates information gathered in search to determine next course of action (e.g., notifying owner, conducting further investigation, securing building).

II.C.2.3. Secure Buildings.

- a. Physically examines access points of dwellings and business to ensure they are adequately secured.
- b. Secures a dwelling or business.
 - (1) notifies owner to secure dwelling or business.
 - (2) determines appropriate method of securing dwelling or business, if owner is not available, based on visual and manual inspection.
 - (3) secures the property (e.g., impounds portable property, nails or locks up fixed property).
 - (4) notifies dispatcher to request further checking of secured property, when deemed necessary.

II.C.2.4. Check Individuals/Businesses For Compliance With Licensing Requirements.

- a. Identifies those activities that require licenses (e.g., hunting, selling liquor, selling as a vendor, etc.).
- b. Checks individuals/businesses for compliance with licensing requirements (e.g., examines and validates license, checks with licensing authority).
- c. Takes appropriate enforcement action against violators of licensing requirements through appropriate authority.

II.C.2.5. Advise Property Owners or Agents of Potentially Hazardous Conditions.

- a. Evaluates hazardous condition in terms of its severity (e.g., potential for physical danger to public).
- b. Secures the area to prevent injury to people in the area.
- c. Notifies owner or agent of:
 - (1) hazardous condition,
 - (2) actions to be taken, and
 - (3) consequences of failure to comply with request.
- d. Verifies that owner or agent has taken appropriate corrective action to correct hazardous condition.
- e. Notifies proper non-police authorities if owner or agent fails to correct hazardous condition.

II.C.2.6. Notify Citizens of Damage to Their Property.

- a. Determines ownership of property that has been damaged by checking appropriate records or talking to neighbors.
- b. Notifies owners about nature and source of damage to their property using proper procedures (e.g., notifies owner in person or by phone, when available; requests neighbors or relatives to notify owner, when owner is unavailable).

II.C.2.7. Secure Vehicles.

- a. Determines the degree of security required to secure the vehicle.
- b. Secures vehicle using appropriate procedures (e.g., impounds vehicle, locks vehicle at scene, removes or secures valuables from vehicle interior).
- c. Documents action taken in securing vehicle.

II.C.2.8. Investigate an Unattended Suspicious Vehicle.

- a. Notifies dispatcher of location and registration number of suspicious vehicle.
- b. Observes suspicious vehicle in its environment to identify possible criminal activity before approaching suspicious vehicle cautiously.
- c. Investigates suspicious vehicle using proper procedures (e.g., views interior of vehicle for contraband or weapons, verifies identification of vehicle by checking VIN physically or through LEIN, reinvestigates vehicle if remains in same location).
- d. Impounds suspicious vehicle if found to be wanted, stolen or a traffic hazard.

II.C.2.9. Follow a Suspicious Vehicle.

- a. Determines whether vehicle should be followed by observing vehicle and occupants to check for unusual or illegal activities or circumstances (e.g., behavior that is consistent with reasonable behavior in such circumstances, erratic driving, jerky starting and stopping, furtive gestures, persons or vehicles matching descriptions).
- b. Follows vehicle containing a suspicious person at an inconspicuous distance while observing for any illegal activity or verification of information on want/warrants.
- c. Take appropriate enforcement action, if warranted.

II.C.2.10. Investigate Unusual Odors and Sounds.

- a. Investigates unusual odors.
 - (1) Determines nature, location, and source of an odor using sense of smell.
 - (2) Notifies dispatcher of situation, providing all necessary information (e.g., nature and cause of odor).
 - (3) Informs the appropriate non-police department or agency of the problem (e.g., public works, gas company, specialized units).
 - (4) Secures area if environmental hazard exists.
- b. Investigates unusual sounds.
 - (1) Locates nature and source of a sound by listening and/or interviewing individuals (e.g., complainants, witnesses).
 - (2) Notifies dispatcher of situation, providing all necessary information (e.g., informs dispatcher that sound is unfounded family dispute, automobile backfire, animal noise, etc.).
 - (3) Takes appropriate action to terminate cause of sound.

II.C.2.11. Identify Wanted Vehicles or Persons.

- a. Observes area, checking for any unusual activity or suspicious persons or vehicles.
- b. Compares description of persons or vehicles to information on wanted persons/stolen vehicles lists.
- c. Verifies identification of:
 - (1) person by using driver's license, state identification card, etc., and
 - (2) vehicle by using vehicle registration, and/or VIN.
- d. Confirms validity of want/warrant prior to arrest or impoundment.

II.C.2.12. Interview Suspicious Persons.

- a. Observes to determine that person's actions are suspicious (e.g., person makes furtive gestures and movements, person is in certain areas at inappropriate times).
- b. Requests back-up assistance if determined necessary by considering number of persons, behavior of persons, and type of setting.
- c. Approaches suspicious persons cautiously:
 - (1) Selects a location advantageous to the officer;
 - (2) stands with a minimum of exposure promoting weapon retention.
- d. Interviews suspicious person by:
 - (1) advising person of the reason for the interview;
 - (2) asking person reason for being in the area; and
 - (3) requesting identification from person, if deemed appropriate.
- e. Frisks suspicious person when officer fears for personal safety.
- f. Checks for wants and warrants, if deemed necessary.
- g. Determines whether to terminate interview with suspicious person with an arrest or release based on information collected in interview.

II.C.2.13. Participate in Large Scale Area Search Parties.

- a. Receives specific instructions from search coordinator (e.g., information on object sought and assigned area of responsibility).
- b. Searches assigned area properly using a systematic approach (e.g., grid, circular).
- c. Secures immediate area where any possible evidence is found without disturbing the object.
- d. Notifies search coordinator that possible evidence has been located, while staying at location of found object.
- e. Documents actions taken in search.

II.C.2.14. Escort Money, Valuables or People to Provide Security.

- a. Determines the nature of the escort and the destination.
- b. Determines method for providing security during the escort e.g., route and alternate route, number of officers needed, etc.)
- c. Notifies dispatcher of situation, providing all necessary information (e.g., location, destination, type of call, situational update).
- d. Provides inconspicuous escort according to plan.
- e. Coordinates with other agencies to protect persons and/or items.

II.C.2.15. Develop Informants Using Field Contacts.

- a. Talks to people on the beat in a courteous and professional manner.
- b. Listens to people on the beat to establish field contacts (e.g., avoids interrupting them, allows them to give their opinions, shows an interest in their concerns).
- c. Explains to people on the beat how exchanging information with officers will be beneficial to everyone in order to encourage people to become field contacts.

Module History:

Revised 04/07

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: C. Patrol Techniques

Module Title: 3. RESPONDING TO CRIMES IN PROGRESS

Hours: 4

Notes to Instructor:

This is an overview only. Extensive coverage of search, evidence collection, etc. are taught in Investigation.

You may want to use crime-in-progress role-playing with lead and backup officers.

Integrate use of firearms and defense tactics.

Module Objectives start on next page:

Module Objectives:

II.C.3.1. Respond to Crimes in Progress.

- a. Determines whether crime is "in progress" and nature of the target (e.g., auto, building, machine, etc.), based on information from dispatch, etc.
- b. Determines if a weapon is involved.
- c. Assesses the situation while approaching the scene by:
 - (1) planning a safe approach:
 - (a) protection for officer(s),
 - (b) possible apprehension of suspect,
 - (c) opportunity to observe the scene,
 - (d) prevents creating a hostage situation by allowing an escape route.
 - (2) observing for unusual activities, persons, or vehicles in vicinity,
 - (3) determining if backup assistance is needed, and
 - (4) determining what and how equipment will be utilized upon arrival at the scene (e.g., use of shotgun, flashlight, portable radio, emergency lights and sirens; positioning and use of patrol vehicle for officer's protection).
- d. Notifies dispatcher of status and need for assistance.
- e. Coordinates approach to scene with other officers to insure that possible suspect(s) escape route are covered.
- f. Approaches crime "in progress" scene cautiously (e.g., parks a distance away and observes)

II.C.3.2. Conduct an Initial Investigation at a "Crime in Progress" Scene.

- a. Establishes control of perimeter.
- b. Searches "crime in progress" scene from perimeter before entering a building or protected area.
- c. Systematically searches interior of "crime in progress" scene for suspect(s) and evidence of a crime.
- d. Provides first aid to injured person(s) and request medical aid, if necessary.
- e. Detains suspect(s), if at scene, using proper field stop and frisk procedures. (Addressed in detail in Mechanics of Arrest and Search.)
- f. Assesses all collected information to determine if a crime has occurred and if there is probable cause to continue the investigation. (Addressed in detail in Substantive Criminal Law.)
- g. Arrest and search suspects if probable cause exists.
- h. Solicits information to determine identification and location of suspect(s) if none are located at "crime in progress" scene.
- i. Determines number of suspects, description, method and direction of escape, fruits of the crime, and any possible injuries.
- j. Advises dispatcher by:
 - (1) providing all available information regarding suspect, vehicle, weapon, method/direction of escape, and fruits of the crime, and
 - (2) requesting that information be given as "be on the look out."
- k. Gathers information to identify the complainant, suspect, witnesses, and any other related investigative facts (e.g., who, what, why, where, when, and how). (Addressed in detail in Report Writing and Investigation.)
- l. Interviews complainant and witnesses to obtain and record all pertinent information regarding the crime.

II.C.3.3. Secure "Crime in Progress" Scene and Begin an Investigation.

- a. Protects crime scene, if necessary, from destruction of evidence. (Addressed in detail in Collection and Preservation of Evidence.)
- b. Searches the immediate area for suspects.
- c. Requests assistance from support personnel (e.g., detectives, crime scene technician, and supervisor) according to department policy or procedure).
- d. Conducts preliminary crime scene search, if crime scene technicians or follow-up personnel are not available. (Addressed in detail in Crime Scene Search.)
- e. Collects and records any evidence found in preliminary crime scene search, if crime scene technicians or follow-up personnel are not available. (Addressed in detail in Collection and Preservation of Evidence.)
- f. Canvasses area for further witnesses to the crime.

II.C.3.4. Direct Actions of Other Officers at a Scene of Action.

- a. Assumes responsibility to direct activities as the first officer at a scene of action until properly relieved of command by a direct order or a superior officer.
- b. Explains circumstances of situation to officer(s) arriving to assist.
- c. Directs assisting officer(s) to perform specific assistance activity.
- d. Communicates with assisting officer(s) at scene using radio, visual, or verbal means of communication.

II.C.3.5. Advise Victims of the Procedures for Prosecution.

- a. Explains prosecution procedures to victim by:
 - (1) telling victim that prosecution is voluntary, and
 - (2) referring victim to proper authority (e.g., prosecutor, police investigator, city attorney).

Basic Training Module Specifications

<u>Functional Area:</u>	II.	Patrol Procedures
<u>Subject Area:</u>	C.	Patrol Techniques
<u>Module Title:</u>	4.	THE RESPONSE TO PERSONS WITH MENTAL DISORDERS
<u>Hours:</u>	3	

Note to Instructor:

The MCOLES designed this training to be administered by instructors with expertise in the law enforcement response to those with mental disorders and by practitioners or clinicians with a background in mental health services. A team-teaching approach can result in subject content that is both meaningful and contextual if provided by more than one discipline. The approach can also help build partnerships for a community based response to those needing services.

The expectation is that individual instructors will contribute relevant detail in the form of lesson plans and resource materials for this training.

The generic term “mental disorders” is used in this objective, which refers to a rather broad range of mental illnesses and developmental disabilities. As used in the text, the term includes mental and brain disorders, developmental disabilities, severe mental illness, neurological disorders, neurological impairments, psychiatric conditions, and severe emotional disorders. The intent is to move away from strict categorizations or definitions of mental illnesses and developmental disabilities.

The intent of this training is not to make officers diagnosticians or clinicians and inaccurate classifications of disorders at the scene can lead to inappropriate resolutions. Instead, the training should target the officer’s ability to observe, and subsequently interpret, behavioral cues for an effective response and intervention.

Module Objectives start on the next page:

II.C.4.1. Define Mental Illness and Developmental Disability.

- a. Defines *mental illness* as a disorder of thought, perception, or mood that:
 - (1) significantly impairs judgment or the capacity to recognize reality;
 - (2) impairs the ability to cope with the ordinary demands of life;
 - (3) causes great distress to the individual affected;
 - (4) covers a range of conditions; and
 - (5) includes symptoms such as:
 - (a) social withdrawal;
 - (b) depression (a syndrome of sadness or hopelessness);
 - (c) delusions (false beliefs not based in reality);
 - (d) inappropriate expressions of feelings;
 - (e) hallucinations (hearing, seeing, or feeling imaginary things);
 - (f) hyperactivity or inactivity; and
 - (6) is defined in Michigan law (MCL 330.1400).
- b. Identifies certain types of mental illnesses, such as
 - (1) schizophrenia, which significantly affects thinking and judgment;
 - (2) major depression, including suicidal thoughts;
 - (3) bipolar disorder, characterized as a long term mood disorder; and
 - (4) dual diagnosis disorders, where mental illness and substance co-occur.
- c. Defines *developmental disability* as a condition that manifests itself in childhood and is characterized by:
 - (1) sub-average intellectual development and functioning;
 - (2) substantial physical or mental impairment (or a combination); and
 - (3) substantial functional limitation in three or more of the following:
 - (a) self care;
 - (b) receptive and expressive language;
 - (c) learning;
 - (d) mobility;
 - (e) self direction;
 - (f) independent living; and
 - (g) economic self sufficiency.
- d. Identifies certain types of developmental disabilities, including:
 - (1) autism, characterized by impaired social connections;
 - (2) mental retardation (MCL 330.1100b), characterized by limited mental development;
 - (3) Tourette's syndrome, often accompanied by repetitive movements;
 - (4) Epilepsy (seizure disorders);
 - (5) Alzheimer's disease; and
 - (6) deafness and hard of hearing.

II.C.4.1. Define Mental Illness and Developmental Disability. (continued)

- e. Recognizes that mental disorders may be accompanied by substance abuse, known as dual diagnosis or co-occurring disorders, which may mask the true underlying condition, causing difficulty in knowing which response is most appropriate at the scene.

Note to Instructor

The term “mental disorder” is difficult to define precisely and behaviors seldom fit into neat categories. Consider that consumers (those requiring services) may have more than one disorder or may also have a drug dependency, making it difficult to determine which symptoms result from which underlying problems. Sometimes a person with a developmental disability may also have a mental illness.

Mental illness can be defined as a substantial disorder of thought, perception, or mood that places the individual outside the realm of reality. Mental illness may develop at any point during an individual’s lifetime and may sometimes be temporary and reversible. Mental illness is not connected to an individual’s level of intellectual functioning and may not necessarily impair social adaptation.

A developmental disability is a condition that may occur from birth or early childhood, which prevents the individual from being fully independent.

Law enforcement officers will undoubtedly come in contact with those with developmental disabilities more and more as the future unfolds. For example, Dennis Debbaudt (researcher and consultant) and Darla Rothman (Maryland Police and Correctional Training Commission) indicate that people with developmental disabilities, particularly those with autism spectrum disorder (ASD), are seven times more likely to come in contact with law enforcement than others (*Contact With Individuals With Autism: Effective Resolutions*, by Dennis Debbaudt and Darla Rothman, Ph.D., FBI Law Enforcement Bulletin, 2001). Moreover, the word “development” should not be confused with the word “growth.” Growth refers to an increase in physical size whereas development has multiple connotations, where its rate varies from individual to individual.

II.C.4.2. Identify Behaviors Associated with Mental Illness and Developmental Disability

- a. Describes behaviors associated with mental illness, including:
 - (1) behavioral cues, such as:
 - (a) sitting and doing nothing;
 - (b) having endless energy or grandiose plans;
 - (c) hearing voices;
 - (d) experiencing profound confusion;
 - (e) displaying abnormal fear, panic, apathy, or aggression; or
 - (2) verbal cues, such as:
 - (a) a rapid flow of unrelated thoughts;
 - (b) disorganized thinking;
 - (c) experiencing delusions or hallucinations; or
 - (d) speaking extremely slowly or repeating words.
- b. Describes behaviors associated with developmental disabilities, including:
 - (1) behavioral cues, such as:
 - (a) inattention or inactivity (or both);
 - (b) social withdrawal;
 - (c) unexpected behavioral outbursts, such as screaming or laughing;
 - (d) trying to appear more confident than they are;
 - (e) anxiety or worry out of proportion to the feared event; or
 - (2) verbal cues, such as:
 - (a) slurred speech;
 - (b) invented speech;
 - (c) inability to express thoughts clearly;
 - (d) an extreme desire to please those in authority; or
 - (e) inappropriate laughing or giggling.
- c. Recognizes certain medications used to manage symptoms of mental illnesses, such as:
 - (1) selective serotonin reuptake inhibitors (SSRIs), e.g., Zoloft or Prozac;
 - (2) antipsychotics, e.g., Haldol or Thorazine;
 - (3) antianxiety drugs, e.g., Valium or Xanax; and
 - (4) tricyclic antidepressants (TCAs), e.g., Lithium.

Note to Instructor

Emphasize that a very few individuals with mental disorders are actually dangerous or violent and that interpreting behavioral cues out of context may complicate the situation and lead to inappropriate responses.

Officers must never diagnose a mental disorder, but it is important to be able to identify the predominant symptoms, based on observed behavioral cues, that may indicate an underlying mental disorder. The better a practitioner is able to appropriately interpret the behaviors he or she observes at the scene, the better the response will be to meet the needs of the consumer. This understanding may lead to alternative, and perhaps more appropriate, methods of intervention or referral.

The professional research, including research from the American Psychiatric Association, demonstrates that, in general, “violent and criminal acts directly attributable to mental illness account for a very small proportion of all such acts in the United States. Most persons with mental disorders are not criminals, and of those who are, most are not violent” (Marzuk, *Archives of General Psychiatry*, 1996). In fact, many such encounters are often more violent for the consumer than for the responding officers.

II.C.4.3. Appropriately Respond to Situations Involving Those with Mental Disorders.

- a. Recognizes that fear may be the predominate emotion at the scene and that consumers may be confused, may not hear what the officer is saying, or may misinterpret what the officer is saying.
- b. Assesses the situation cautiously and safely, by:
 - (1) obtaining relevant information from dispatch;
 - (2) determining the nature of the call (criminal, mental disorder, both);
 - (3) evaluating environmental cues (phone numbers, medications, etc.);
 - (4) determining if alcohol or substance abuse is involved;
 - (5) determining if assistance is needed for physical injury; and
 - (6) recognizing dangerous behaviors or potentially dangerous behaviors.
- c. Approaches the scene by:
 - (1) maintaining safety through proper positioning and tactical approach;
 - (2) maintaining a calm demeanor and not overreacting;
 - (3) looking for weapons;
 - (4) asking questions in a respectful manner;
 - (5) maintaining personal space; and
 - (6) understanding the importance of conducting a thorough investigation.
- d. Stabilizes the scene by stopping any dangerous activity.
- e. Uses proper communication techniques, including:
 - (1) maintaining honesty, patience, and understanding;
 - (2) not arguing, but asking questions more than once;
 - (3) treating the consumer with respect and dignity;
 - (4) asking about medications or prior hospitalizations;
 - (5) maintaining a calm tone and low voice;
 - (6) offering simple choices and asking direct questions;
 - (7) officers should:
 - (a) *avoid* making continuous direct eye contact;
 - (b) *not* touch the consumer (unless safety requires it); or
 - (c) *not* challenge hallucinatory or delusional statements; and
 - (8) asking direct questions of family members or friends about:
 - (a) threatened suicide;
 - (b) medications or drugs; or
 - (c) any history of hospitalizations or mental disorders.

Note to Instructor:

The stigma of mental disorder can be a label that follows an individual throughout his or her life, which may intensify social isolation. Such stigma can manifest itself as shame, guilt, and low self esteem. Law enforcement officers can help reduce this stigma by learning about mental disorders, learning how to respond appropriately, and knowing which partnerships in the community can help.

Officer safety is an essential component of any training. What may be missing from most safety training, however, is the concept that using proper safety tactics can also *slow* a rapidly evolving situation, which may allow for improved decision making at the scene. The idea is to emphasize what the officer can do to gain and maintain a reasonable advantage *before* and *during* such encounters.

Inviting a consumer to become part of the training cadre is an excellent way to prepare practitioners for an improved response. Consumers can provide personal insight as to what is happening as a particular situation unfolds.

II.C.4.4. Demonstrate an Understanding of Legal Authority to Act.

- a. Describes provisions of the Michigan Mental Health Code, including:
 - (1) a “person requiring treatment” (PRT) (MCL 330.1401) as a person who is mentally ill and who:
 - (a) can reasonably be expected to intentionally or unintentionally seriously physically injure himself or others and has engaged in acts or made threats to support the expectation;
 - (b) is unable to attend to basic physical needs;
 - (c) has judgment that is so impaired that he or she is unable to understand the need for treatment and whose behavior will cause significant physical harm; or
 - (d) has weakened mental processes because of age, epilepsy, or alcohol or drug dependence;
 - (2) the authority to take a person with a mental disorder into custody or protective custody, provided:
 - (a) the person has committed a criminal offense;
 - (b) the person reasonably appears to be a person requiring treatment (MCL 330.1427);
 - (c) the person is subject to a court order (MCL 330.1428); or
 - (d) the person is in non-compliance with a court order (MCL 330.1475); and
 - (3) the requirement to use that kind and level of force that would be lawful if the officer were affecting an arrest for a misdemeanor without a warrant (MCL 330.1427a).
- b. Recognizes that the relevant provisions of the Americans with Disabilities Act (ADA), 42 USC 12010, et. seq., provide that no individual will be denied the benefits of public services, programs, or activities because of the disability.
- c. Recognizes that the relevant provisions of Michigan’s Persons with Disabilities Act (MCL 37.1101, et. seq.) prohibit discriminatory practices, policies, and customs in the exercise of rights.
- d. Considers that protective custody is civil in nature and is not considered an arrest, but officers may take reasonable steps for self-protection, including a pat-down for weapons (MCL 330.1427a).

Note to Instructor:

Handling calls involving those with mental disorders can be complex and problematic for responding officers, calling on their ability to make appropriate decisions and to properly solve problems at the scene. A thorough knowledge of the legal authority surrounding such incidents is essential. Moreover, those with mental disorders deserve to be treated with dignity and officers must not act outside the bounds of their legal authority simply because it's easier or more convenient to do so at the time of the incident.

In real life situations, officers will be called upon to use higher order thinking (decision making) based upon a fundamental understanding of mental disorder issues and legalities. Understanding the elements of the law forms the foundation upon which the proper handling of such calls can be structured. Emphasize that Michigan's mental health statutes offer law enforcement officers additional options in making appropriate mental health decisions and referrals at the scene.

II.C.4.5. Transport People with Mental Disorders Using Proper Procedures.

- a. Utilizes at least two (2) officers.
- b. Uses the most secure vehicle and seating arrangement to make the transport (see objective I.C.4.6.).
- c. Transports to the most appropriate facility depending on the nature of the situation (e.g., mental health facility, residential facility, lock-up, emergency room, etc.).
- d. Recognizes the appropriate check-in procedures upon arrival.
- e. Does not leave the person requiring services unattended.

Module History

Revised 5/08

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedures
<u>Subject Area:</u>	D. Report Writing
<u>Module Title:</u>	1. OBTAINING INFORMATION AND PREPARING REPORTS
<u>Hours:</u>	12

Notes to Instructor:

The MCOLES designed this training module to be administered by instructors with expertise in law enforcement report writing. The expectation is that individual instructors will contribute relevant detail in the form of lesson plans, resource materials, and practical exercises for this training module.

The ability of a law enforcement officer to write a report can be significantly improved through proper training and enough practice. Using writing exercises in the classroom, structured on reality-based scenarios, is essential for acquiring report writing skills. Although this is not an English course, the general rules of grammar, clarity, and sentence structure apply to law enforcement report writing, as expected outcomes include the ability to document incidents and to communicate effectively.

The training is also intended to enable students to better identify the issues and make appropriate decisions in determining what should be included in a written report when handling a call. Although basic knowledge acquisition is an important component of any training, the focus should be on experiential (contextual) learning and interactive training in the classroom.

Students will be subjected to a variety of role plays and practical exercises throughout their basic training experience. Therefore, MCOLES requires that students write reports a part of these exercises, particularly during training in domestic violence, child abuse, and traffic crash investigation, as reports in these areas are required by law.

Module Objectives start on the next page:

II.D.1.1. Participate in a Facilitated Discussion Regarding the Importance of Report Writing.

- a. Using a table-top scenario or a video clip that depicts a law enforcement officer's response to a reported crime, actively participates in a facilitated discussion of the incident by evaluating:
 - (1) relevant information that may be needed for the report;
 - (2) how information can best be identified and collected at the scene;
 - (3) why it is important to write complete, accurate reports; and
 - (4) how context may affect report writing.
- b. Explains the basic steps for an effective and meaningful report writing process, including:
 - (1) gathering information;
 - (2) recording information;
 - (3) organizing information;
 - (4) writing the report; and
 - (5) reviewing the report.

Notes to Instructor:

Placing the facilitated discussion first is intentional. In the classroom, instructors can generate an interactive discussion with the students by asking questions like “why is a report necessary,” “who is responsible for writing a report,” “what information should be included,” and “how can you best capture the true nature of the incident (context).” Understandably, the students will not have all the answers to the instructors’ questions, but will nevertheless be able to make valuable contributions to the discussions. The intent is for the instructors, through such discussions, to provide meaning for the objectives that follow and to clarify misunderstandings.

A domestic violence situation may be particularly useful for the scenario in II.D.1.1., because of the complexities involved in such situations. An interactive discussion or class debate can provide context for both this objective and the report writing objectives that follow. Learning occurs when students encounter real problems that simulate work related situations. Report writing does not take place in isolation. It must be taught in its full context.

II.D.1.2. Identify the Common Characteristics of a Written Report.

- a. Defines a report as any document, recorded on an agency or departmental form, or other approved medium, which is maintained as a permanent record.
- b. Determines that written reports contain certain common components, including:
 - (1) a section for filling-in the blanks or boxes, which typically captures information regarding:
 - (a) incident location;
 - (b) date/time of incident, complainant, and type of call;
 - (c) victim, suspect, witness, and injury descriptors;
 - (d) evidence, weapons, and arrests; and
 - (e) addresses and contact phone numbers;
 - (2) the report summary, which includes a brief, overall description of the incident and the actions taken by the primary officer;
 - (3) the report narrative, which chronologically details:
 - (a) who, what, where, when, how and why (if known);
 - (b) the actions and observations of the responding officer; and
 - (c) direct, circumstantial, and physical evidence; and
 - (4) supplementary information, which includes:
 - (a) verbatim written statements from the victim, witnesses, or complainants;
 - (b) evidence collected at the scene;
 - (c) photographs, crime scene sketches, or diagrams; and
 - (d) the results of follow-up inquiries.
- c. Determines that written reports, as effective means of communication, are used on the job for a variety of reasons, including:
 - (1) the documentation of an incident or occurrence;
 - (2) departmental follow-up investigations;
 - (3) court testimony and case prosecution;
 - (4) planning for future law enforcement services;
 - (5) data collection for crime analyses and community policing initiatives;
 - (6) risk management; and
 - (7) information for setting conditions for pre-trial release.
- d. Recognizes that the ability to write quality reports can enhance the professionalism of the officer and his or her agency, can improve the effectiveness of case prosecution, and can enhance the officer's promotional and professional opportunities.

II.D.1.2. Identify the Common Characteristics of a Written Report (continued).

- e. Identifies the various types of written reports including,
 - (1) administrative reports, which address internal functions of the department, such as:
 - (a) internal operational memoranda;
 - (b) the documentation of grievance procedures;
 - (c) ongoing internal affairs investigations;
 - (d) citizen complaints; and
 - (e) staffing; and
 - (2) operational reports, which document:
 - (a) criminal offenses;
 - (b) arrests;
 - (c) investigations, including follow-up investigations;
 - (d) traffic crashes; and
 - (d) evidence tracking (chain of custody).

Notes to Instructor:

Although there are various types of written reports, and various uses for these reports, the emphasis of the training in this module is on *offense* reports.

For objective II.D.1.2., instructors should emphasize the common elements of the typical offense report and discuss the importance of documenting information within the context of a response to an incident. Instructors can build on what was discussed in objective II.D.1.1.

MCOLES suggests that instructors distribute various types of reports for class discussion.

Complete and accurate reports are necessary for the judicial process to proceed fairly. The report will reflect the direct knowledge of the responding officers and therefore must withstand critical review and legal scrutiny.

For example, for domestic violence situations, instructors should discuss the role of evidence-based prosecutions and the importance of identifying and documenting physical and circumstantial evidence at the scene to build a case. The purpose of an evidence-based prosecution is to introduce physical evidence of battering so the case does not rest *only* on the testimony or statements of the survivor. Therefore, great care ought to be taken by the primary officer to ensure completeness and accuracy when preparing the report.

II.D.1.3. Gather Information at the Scene for Reports.

- a. Responds immediately to the scene of an incident and:
 - (1) stabilizes the scene by stopping any dangerous activity;
 - (2) determines if assistance or medical aid is needed;
 - (3) calms victims and witnesses by maintaining a professional demeanor;
 - (4) maintains officer safety and the safety of the participants;
 - (5) recognizes dangerous or potentially dangerous behaviors; and
 - (6) protects the crime scene.
- b. Manages the scene by:
 - (1) considering relevant information provided by dispatch;
 - (2) determining the nature of the call (criminal or civil);
 - (3) locating and identifying potential physical evidence at the scene; and
 - (4) identifying victims, complainants, and witnesses;
- c. Takes accurate field notes in preparation for the report by:
 - (1) determining what happened;
 - (2) asking relevant questions and repeating information back;
 - (3) locating and documenting physical evidence;
 - (4) documenting injuries and potential injuries;
 - (5) separately interviewing those with information; and
 - (6) separating facts from conclusions.
- d. Recognizes that capturing the contextual nature of the incident will help others understand the significance of the suspect's behavior, or the victim's response to that behavior, so appropriate criminal justice interventions can occur.
- e. Recognizes that field notes are the foundation of the formal written report and should be organized, neat, and accurate and will be examined and read by others, including supervisors, citizens, defense attorneys, and prosecutors.

Notes to Instructor:

Once on the job, officers will be writing reports under a wide variety of circumstances. Often, there will be pressure to hurry a report, or perhaps not include enough information in the report, so the officer can resume patrol or respond to the next call. There may even be a time lapse between gathering and obtaining information and actually writing the report. Ultimately, the students will experience such real world pressures once on the job. Instructors should prepare the students for such realities.

Emphasize that capturing the contextual nature of the incident is important as well. Offenses do not occur in isolation. Understanding context improves the system's response to victims of crime.

II.D.1.4. Organize Information in Preparation for Writing the Report.

- a. Reviews field notes thoroughly to determine if:
 - (1) additional information is needed;
 - (2) clarifying questions are necessary;
 - (3) all relevant descriptions are included;
 - (4) the notes are organized properly; and
 - (5) the notes contain facts only, with no officer opinions.
- b. Determines the correct chronological order of events based on witness and victim statements and on physical evidence.
- c. Identifies the proper headings in the report, depending on the nature of the call, by including sections for:
 - (1) the summary;
 - (2) the narrative;
 - (3) weapons;
 - (4) witness, victim, and suspect identifiers and descriptors; and
 - (5) physical evidence
- d. Reviews field notes to ensure that all relevant information is documented prior to writing the report, including:
 - (1) multiple addresses for witnesses, victims, and complainants;
 - (2) cell phone numbers;
 - (3) information that may be the target of defense discovery;
 - (4) alternative contact phone numbers and addresses;
 - (5) information that assists in determining probable cause; and
 - (6) information that helps create the context or the nature of the call.

Notes to Instructor:

Organizing information is an essential step that should be taken prior to writing a report. Students must take time to ensure that their field notes are complete, accurate, and organized properly. Use the MCOLES evaluation template as a guide for assessment.

Although it is the responsibility of the primary officer to take field notes and complete a report, it should be emphasized that the reports will be read and used by those who have no direct knowledge of the facts of a situation. Moreover, those who write reports must take into account all the potential uses of the report.

“Discovery” (d (3) above) generally refers to the legal burden placed on the prosecution to divulge exculpatory information to the defense. Information that may be favorable to the defendant must be included in the report in order for it to be complete. If such information is omitted, even by mistake, it will seem as if the reporting officer is trying to prejudice the situation in favor of the prosecution.

II.D.1.5. Prepare Reports.

- a. Writes a report of a specific incident or occurrence that includes:
 - (1) a summary of the events;
 - (2) observations made by the officer at the scene;
 - (3) the officer's investigation at the scene;
 - (4) the elements of the offense, if a criminal matter;
 - (5) suspect, witness, victim, and complainant identifiers;
 - (6) photographs, crime scene sketches, and diagrams;
 - (7) the status of the incident; and
 - (8) written statements.
- b. Properly fills-in the blanks or boxes in a formatted report form and includes all relevant information.
- c. Includes accurate quotes from those involved by placing quotation marks around actual statements and does not use quotation marks when paraphrasing.
- d. Uses correct grammar, standard English, and proper sentence structure, which includes:
 - (1) using active voice, first person, past tense, for documenting the actions and observations of the officer;
 - (2) using active voice, third person, past tense for documenting statements provided by the victims, witnesses, and complainants;
 - (3) avoiding "this officer", "the undersigned", "this writer", etc.;
 - (4) using proper names, instead of "the victim", "witness #1", etc.; and
 - (5) ensuring there is grammatical agreement between verbs and subjects.
- e. Prepares narratives, which will be read by others not at the scene, that are:
 - (1) factual, where no information is intentionally altered;
 - (2) complete, where all relevant information is included in the report;
 - (3) clear, where there is no confusion when read by others;
 - (4) concise, where the writer avoids using unnecessary words, repeating information, or including irrelevant information;
 - (5) accurate, where the report reflects an objective accounting of relevant facts; and
 - (6) timely, where the report is reviewed and turned-in as soon as possible.

Notes to Instructor:

The best way to learn how to write proper reports is to write many reports. The more a student is able to practice writing, in the manner taught, the better he or she will be as a report writer. Their abilities will improve over time. Therefore, instructors are urged to provide classroom practical exercises that provide the students with ample opportunities to write. A table-top scenario, or a video that depicts a real life incident and response, is an excellent way to provide fact patterns for the students to document in a report.

Headings are an important part of the report format and specific headings will be determined by the type of offense being documented. For some offenses, formatted report forms should be used (for example, the UD-10 or the standard domestic violence report form).

There are some headings that are common to most every law enforcement report. These include:

- Summary
- Venue
- Victim identifiers (including relationships)
- Suspect identifiers (including relationships)
- Witnesses identifiers (including complainant)
- Scene (a description and steps taken to protect it)
- Property
- Weapons
- Injuries (and whether anyone was transported)
- Evidence seized and secured (including circumstantial and exculpatory)
- Narrative (including contextual information)
- Officer observations and actions
- Status/Disposition
- Statements

Many agencies will have formatted report forms, often in electronic format, that will be compliant with Michigan Incident Crime Reporting (MICR) requirements. Types of records in MICR include administrative, offense, offender, victim, arrest, and property categories for reporting purposes. Information regarding the MICR program may be obtained from the Michigan State Police Criminal Justice Information Center.

II.D.1.6. Review and Submit Written Reports.

- a. Recognizes the importance of a thorough review by the writer prior to submitting the report to others.
- b. Reviews and edits the report, when necessary, to ensure that:
 - (1) it is complete and contains all the essential information;
 - (2) it is legible and professional in appearance;
 - (3) all the blanks and boxes are appropriately completed and checked;
 - (4) headings and sub-headings are used properly;
 - (5) the report is clear and concise and does not include unnecessary information; and
 - (6) the spelling and grammar are correct and the report is free from legalese or police jargon.
- c. Ensures that all information is correctly copied from the field notes into the report form and makes additions or deletions as necessary for accuracy and completeness.
- d. Submits the report in a timely manner and understands the importance of knowing and following individual agency policies and procedures regarding the responsibilities of report writing.

Module History

Revised	7/08
Reviewed	12/09

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: E. Juveniles

Module Title: 1. DEALING WITH JUVENILE OFFENDERS

Hours: 4

Notes to Instructor:

Use role-playing in counseling juveniles. Taking physical control is covered in Police Skills. Court Rules changed the requirement of a parent or guardian being present for interviewing a juvenile.

Module Objectives:

II.E.1.1. Apprehend Juvenile Offenders.

- a. Takes custody of a juvenile offender without a court order, when circumstances warrant, under one of the following conditions when:
 - (1) found violating any law or ordinance;
 - (2) conditions exist which would make the arrest lawful if the child were an adult;
 - (3) the officer reasonably believes the child is evading the person or proper authority having legal custody;
 - (4) conditions or surroundings under which the child is found are such as to endanger his health, morals, or welfare;
 - (5) the officer continues a lawful arrest made by a private citizen.
- b. Takes physical control of juvenile offender.
- c. Determines the age of the offender by:
 - (1) asking the juvenile;
 - (2) asking the juvenile's parents, and/or
 - (3) referring to records.

II.E.1.2. Detain and Transport Juvenile Offenders.

- a. Detains the juvenile offender temporarily in compliance with state law:
 - (1) isolates the juvenile from adult prisoners;
 - (2) notifies the parent/legal guardian forthwith and records the notification;
 - (3) photographs and/or fingerprints the juvenile when arrested for any of the 21 listed offenses.
- b. Releases juvenile into custody of parent/guardian if case evaluation warrants (See Objective II.E.2.3.).
- c. Requests detention of a juvenile in a juvenile detention facility or immediate arraignment in the Family Division of Circuit Court using the following criteria:
 - (1) the juvenile's offense(s) is so serious that release would endanger the public safety;
 - (2) at the request of a probation or parole officer;
 - (3) the child is a runaway (usually must be serious circumstances);
 - (4) the home conditions make immediate removal necessary.
- d. Transports the juvenile offender to detention area or home isolated from adult prisoners.

II.E.1.3. Notify Parents/Guardians and/or Proper Authorities of a Juvenile Apprehension.

- a. Notifies the parents, guardian, or custodian, if they can be found, immediately of the apprehension and requests their presence at the detention location.
- b. Makes a written record of the names of persons notified and the manner and time of notification or reasons for failure to notify.

II.E.1.4. Inform Juvenile Offender of Miranda Rights Before Interrogation.

- a. Gives juvenile offender Miranda rights before interrogation under the same circumstances as required for accused adults.

II.E.1.5. Counsel Juveniles.

- a. Counsels a juvenile offender in the presence of or with the consent of the parent or guardian.
- b. Discusses the situation with the juvenile by:
 - (1) establishing rapport,
 - (2) listening carefully,
 - (3) maintaining objectivity,
 - (4) asking questions to determine the main problem, and
 - (5) explaining the consequences of the juvenile's actions.
- c. Evaluates the information provided by juvenile to formulate possible solutions.
- d. Discusses possible courses of action with the juvenile offender (e.g., seeking assistance from a referral agency, discussing problem with parents or clergy, petitioning to juvenile court).
- e. Monitors progress of juvenile's situation after disposition, when appropriate, in person or by telephone.

Basic Training Module Specifications

Functional Area: II. Patrol Procedures

Subject Area: E. Juveniles

Module Title: 2. DEALING WITH THE FAMILIES OF JUVENILES

Hours: 2

Notes to Instructor:

Discuss social services agencies in lieu of court referral.

Trainees should be made aware of social service agencies in their area.

Module Objectives:

II.E.2.1. Conduct Parent-Juvenile Interview(s).

- a. Interviews members of a family to identify possible problem areas and problem sources, using the following techniques:
 - (1) interviews family members separately;
 - (2) discusses the juvenile related problems;
 - (3) discusses other possible problem sources within the family;
 - (4) remains unbiased and tolerant of individual differences.

II.E.2.2. Determine the Course of Action Following Parent/Juvenile Conference.

- a. Evaluates the totality of information to determine course of action considering:
 - (1) nature of the offense;
 - (2) age of the offender;
 - (3) nature of the problem which led to the offense;
 - (4) history of contacts or the use of physical violence; and
 - (5) character of the offender and history of behavior in school, family, and peer group settings.
- b. Selects the most appropriate course of action, choosing among:
 - (1) release to parent(s)/guardian;
 - (2) diversion with referral to a public or private agency;
 - (3) petition to juvenile court;
 - (4) requesting a waiver of jurisdiction to adult court.
- c. Discusses possible courses of action with family if options exist, to determine their willingness to participate in a solution.
- d. Monitors progress of family situation, when appropriate, in person or by telephone.

II.E.2.3. Inform Parent(s)/Guardian of the Status of the Juvenile Offender's Case at Time of Release.

- a. Discusses with parent(s)/guardian of juvenile suspects or offender:
 - (1) circumstances of case;
 - (2) court proceedings, if any;
 - (3) available referral agencies, if appropriate.

II.E.2.4. Confer With Juvenile Probation Officer.

- a. Discusses case with juvenile probation officer providing:
 - (1) facts and opinions about the case;
 - (2) documentation to support opinions; and
 - (3) possible courses of action (e.g., detention, relocation, mandatory counseling).
- b. Controls emotions (e.g., is willing to accept juvenile probation officer's decisions, avoids arguing).

